

# SESSION LAWS OF MISSOURI

Passed during the

## NINETY-NINTH GENERAL ASSEMBLY

First Regular Session, which convened at the City of Jefferson,  
Wednesday, January 4, 2017, and adjourned Tuesday, May 30, 2017,  
and

First Extraordinary Session, which convened at the City of Jefferson,  
Monday, May 22, 2017, and adjourned Monday, June 5, 2017,  
and

Second Extraordinary Session, which convened at the City of Jefferson,  
Monday, June 12, 2017, and adjourned Wednesday, July 26, 2017.

Veto Session held September 13, 2017.

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Published by the

**MISSOURI JOINT  
COMMITTEE ON  
LEGISLATIVE RESEARCH**

In compliance with Sections 2.030 and 2.040,  
Revised Statutes of Missouri, 2016

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## HOW TO USE THE SESSION LAWS

The first pages contain the *Table of Sections Affected by 2017 Legislation* from the First Regular Session of the 99th General Assembly, followed by the First Extraordinary Session and the Second Extraordinary Session of the 99th General Assembly.

The text of all 2017 House and Senate Bills and the Concurrent Resolutions from the First Regular Session appears next. The appropriation bills are presented first, with all others following in numerical order.

After the text from the First Regular Session, the text of the 2017 House Bill 1 from the First Extraordinary Session of the 99th General Assembly, and the 2017 Senate Bill 5 from the Second Extraordinary Session follows.

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

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**Visit the new Revisor of Statutes website at [revisor.mo.gov](http://revisor.mo.gov).**

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## Authority for Publishing Session Laws and Resolutions

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**Section 2.030, Revised Statutes of Missouri, 2016. — 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.

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**Section 2.040, Revised Statutes of Missouri, 2016. — 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.

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## 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-ninth General Assembly of the State of Missouri, convened in first regular session, first extraordinary session, and second extraordinary 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 nineteenth day of October A.D. two thousand seventeen.

RUSS HEMBREE  
REVISOR OF STATUTES

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## 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-ninth General Assembly, First Regular Session, convened Wednesday, January 4, 2017, and adjourned Tuesday, May 30, 2017. 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, 2017.

The Ninety-ninth General Assembly, First Extraordinary Session, convened Monday, May 22, 2017, and adjourned Monday, June 5, 2017. The bill passed by it would have become effective ninety days thereafter on September 3, 2017. However, House Bill 1 contained an emergency clause and became effective upon the Governor's signature on June 14, 2017.

The Ninety-ninth General Assembly, Second Extraordinary Session, convened Monday, June 12, 2017, and adjourned Wednesday, July 26, 2017. Senate Bill 5 passed by it became effective ninety days thereafter on October 24, 2017.

## 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-ninth General Assembly (First Regular Session, First Extraordinary Session, and Second Extraordinary Session) passed no Joint Resolutions. Resolutions are to be published as provided in Section 116.340, RSMo 2000, which reads:

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

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

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The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2017 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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**POPULAR NAME TABLE**

Blue Alert System, SB 34, 650.250  
Right-to-Work, SB 19, 290.590  
UBER, HB 130, 387.400 to 387.440



TABLE OF SECTIONS AFFECTED  
BY  
2017 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
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1.100	Amended	HB 451
9.154	New	SB 52
10.112	New	SB 376
10.113	New	SB 376
21.771	Amended	SB 160
29.225	Vetoed	SB 128
34.030	Amended	SB 35
34.209	Amended	SB 182
34.212	Amended	SB 182
34.216	Repealed	SB 182
34.218	New	SB 182
37.005	Amended	SB 421
40.435	Vetoed	HB 850
40.490	Amended	SB 108
50.622	Amended	SB 95
50.622	Amended	SB 112
50.740	Amended	SB 112
52.290	Amended	SB 62
54.040	Amended	SB 112
54.261	Amended	SB 112
67.402	Amended	SB 283
67.505	Amended	SB 49
67.505	Amended	SB 283

67.547	Amended	SB 49
67.547	Amended	SB 283
67.1364	Amended	SB 283
67.1809	Amended	HB 130
67.1819	Amended	HB 130
68.075	Amended	SB 112
68.075	Amended	SB 283
84.514	New	SB 112
86.207	Amended	SB 62
94.510	Amended	SB 49
94.510	Amended	SB 283
94.900	Amended	SB 112
94.902	Amended	SB 112
94.903	New	SB 112
104.1091	Amended	SB 62
104.1092	New	SB 62
104.1205	Amended	SB 62
105.145	Amended	SB 112
105.478	Vetoed	SB 128
105.669	Amended	SB 34
105.669	Amended	SB 62
105.713	Vetoed	SB 128
108.170	Amended	SB 111

TABLE OF SECTIONS AFFECTED  
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
115.306	Amended	SB 111	169.141	Amended	SB 62
135.963	Amended	SB 111	169.324	Amended	SB 62
137.095	Amended	SB 225	169.460	Amended	SB 62
137.280	Amended	SB 62	169.490	Amended	SB 62
137.345	Amended	SB 62	169.560	Amended	SB 62
137.565	Amended	SB 283	169.715	Amended	SB 62
139.100	Amended	SB 112	173.1200	New	SB 52
140.100	Amended	SB 62	174.709	Amended	HB 190
142.800	Amended	SB 8	174.712	Amended	HB 190
142.803	Amended	SB 8	178.862	Amended	HB 190
142.869	Amended	SB 8	182.640	Amended	SB 112
143.1016	Amended	SB 248	182.660	Amended	SB 112
144.010	Amended	SB 16	190.103	Amended	SB 503
144.026	Amended	SB 49	190.144	Amended	SB 503
144.026	Vetoed	SB 128	190.241	Amended	SB 50
144.605	Amended	SB 16	190.242	New	SB 50
160.2700	New	HB 93	190.450	New	SB 503
160.2705	New	HB 93	191.227	Amended	SB 501
160.2710	New	HB 93	191.332	Amended	SB 50
160.2715	New	HB 93	191.594	New	SB 52
160.2720	New	HB 93	191.596	New	SB 52
160.2725	New	HB 93	192.380	New	SB 50
162.492	Amended	SB 283	192.500	New	SB 50

TABLE OF SECTIONS AFFECTED  
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
194.600	New	SB 50	208.790	Amended	SB 139
194.600	New	SB 501	208.798	Amended	SB 139
195.205	New	SB 501	208.1050	Vetoed	HCB 3
195.206	Amended	SB 501	210.110	Amended	SB 160
196.990	New	SB 139	210.152	Amended	SB 160
196.990	New	SB 501	210.564	New	SB 160
197.005	New	SB 50	210.565	Amended	SB 160
197.005	New	SB 501	210.845	Vetoed	SB 128
197.040	Amended	SB 50	210.1109	Vetoed	SB 128
197.040	Amended	SB 501	211.059	Amended	SB 160
197.050	Amended	SB 50	211.081	Amended	SB 160
197.050	Amended	SB 501	211.211	Amended	SB 160
197.070	Amended	SB 50	211.351	Amended	SB 160
197.070	Amended	SB 501	211.361	Amended	SB 160
197.071	Amended	SB 50	211.401	Amended	SB 160
197.071	Amended	SB 501	211.447	Amended	SB 160
197.080	Amended	SB 50	213.010	Amended	SB 43
197.080	Amended	SB 501	213.040	Amended	SB 43
197.100	Amended	SB 50	213.050	Amended	SB 43
197.100	Amended	SB 501	213.055	Amended	SB 43
198.053	New	SB 501	213.065	Amended	SB 43
208.227	Amended	SB 139	213.070	Amended	SB 43
208.229	New	SB 139	213.075	Amended	SB 43

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
213.101	Amended	SB 43	285.055	Repealed	HB 1194
213.111	Amended	SB 43	285.575	New	SB 43
214.160	Amended	HB 51	287.020	Amended	SB 8
226.520	Amended	SB 225	287.020	Amended	SB 66
227.447	New	SB 64	287.020	Amended	SB 222
227.447	New	SB 322	287.020	Amended	SB 225
227.448	New	SB 64	287.037	Amended	SB 66
227.449	New	SB 64	287.040	Amended	SB 8
227.449	New	SB 322	287.040	Amended	SB 222
227.532	New	SB 64	287.040	Amended	SB 225
227.532	New	SB 322	287.120	Amended	SB 66
227.533	New	SB 64	287.149	Amended	SB 66
227.533	New	SB 322	287.170	Amended	SB 66
227.535	New	SB 64	287.200	Amended	SB 66
229.150	Amended	SB 283	287.203	Amended	SB 66
233.180	Amended	SB 283	287.240	Amended	SB 66
233.295	Amended	SB 112	287.243	Amended	SB 66
242.460	Amended	SB 112	287.280	Amended	SB 66
243.350	Amended	SB 112	287.390	Amended	SB 66
245.185	Amended	SB 112	287.780	Amended	SB 66
252.069	New	SB 34	288.035	Amended	SB 8
252.069	Vetoed	SB 128	288.035	Amended	SB 222
281.120	New	HB 662	288.035	Amended	SB 225

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
288.062	Amended	HB 1194	302.189	Repealed	HB 151
290.528	Amended	HB 1194	302.441	Amended	HB 115
290.590	New	SB 19	302.441	Vetoed	SB 128
301.010	Amended	SB 8	302.441	Amended	SB 225
301.010	Amended	SB 222	304.005	Amended	SB 8
301.010	Amended	SB 225	304.005	Amended	SB 222
301.031	Amended	SB 8	304.005	Amended	SB 225
301.031	Amended	SB 222	304.022	Amended	SB 8
301.031	Amended	SB 225	304.022	Amended	SB 222
301.062	Amended	SB 8	304.022	Amended	SB 225
301.136	New	SB 225	304.120	Amended	SB 8
301.227	Amended	SB 8	304.120	Amended	SB 283
301.227	Amended	SB 222	304.170	Amended	SB 8
301.227	Amended	SB 225	304.170	Amended	SB 222
301.550	Amended	SB 8	304.170	Amended	SB 225
301.550	Amended	SB 222	304.180	Amended	SB 8
301.550	Amended	SB 225	304.180	Amended	SB 222
302.065	Repealed	HB 151	304.180	Amended	SB 225
302.170	New	HB 151	304.190	Amended	SB 225
302.183	Repealed	HB 151	304.725	Amended	SB 225
302.185	Amended	HB 151	306.126	Vetoed	SB 65
302.188	Amended	HB 151	307.005	New	SB 8
302.188	Amended	SB 279	307.005	New	SB 222

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
307.175	Amended	SB 8	326.265	Amended	SB 395
307.175	Amended	SB 222	326.280	Amended	SB 395
311.070	Amended	HB 115	326.283	Amended	SB 395
311.075	New	HB 115	326.286	Amended	SB 395
311.179	Amended	HB 115	326.289	Amended	SB 395
311.275	Amended	HB 115	326.292	Amended	SB 395
311.462	Repealed	HB 115	326.307	Amended	SB 395
311.510	Amended	HB 115	326.310	Amended	SB 395
311.540	Amended	HB 115	326.313	Repealed	SB 395
321.242	Amended	SB 112	326.316	Amended	SB 395
321.246	Amended	SB 112	326.325	Amended	SB 395
324.003	New	SB 501	332.081	Amended	SB 50
324.900	New	SB 240	334.010	Amended	SB 501
324.910	New	SB 240	334.036	Amended	SB 50
324.915	New	SB 240	334.036	Amended	SB 501
324.920	New	SB 240	334.506	Amended	SB 139
324.925	New	SB 240	334.735	Amended	SB 501
324.930	New	SB 240	337.010	Amended	SB 501
324.935	New	SB 240	337.025	Amended	SB 501
324.940	New	SB 240	338.010	Amended	SB 501
324.945	New	SB 240	338.700	New	SB 139
326.256	Amended	SB 395	338.710	New	SB 139
326.259	Amended	SB 395	340.285	New	SB 88

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
345.051	Amended	SB 50	362.1065	New	HB 292
345.051	Amended	SB 501	362.1070	New	HB 292
347.048	Amended	SB 111	362.1075	New	HB 292
347.740	Amended	SB 95	362.1080	New	HB 292
351.127	Amended	SB 95	362.1085	New	HB 292
355.023	Amended	SB 95	362.1090	New	HB 292
356.233	Amended	SB 95	362.1095	New	HB 292
359.653	Amended	SB 95	362.1100	New	HB 292
362.105	Amended	HB 292	362.1105	New	HB 292
362.111	Amended	HB 292	362.1110	New	HB 292
362.280	Repealed	HB 292	362.1115	New	HB 292
362.285	Repealed	HB 292	362.1116	New	HB 292
362.1010	New	HB 292	362.1117	New	HB 292
362.1015	New	HB 292	362.1118	New	HB 292
362.1020	New	HB 292	365.100	Amended	HB 292
362.1030	New	HB 292	374.191	New	HB 292
362.1035	New	HB 292	376.620	Amended	HB 336
362.1037	New	HB 292	387.400	New	HB 130
362.1040	New	HB 292	387.402	New	HB 130
362.1045	New	HB 292	387.404	New	HB 130
362.1050	New	HB 292	387.406	New	HB 130
362.1055	New	HB 292	387.407	New	HB 130
362.1060	New	HB 292	387.408	New	HB 130

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
387.410	New	HB 130	400.1.102	Amended	HB 34
387.412	New	HB 130	400.1-103	Amended	HB 34
387.414	New	HB 130	400.1-105	Amended	HB 34
387.416	New	HB 130	400.1-106	Amended	HB 34
387.418	New	HB 130	400.1-107	Amended	HB 34
387.419	New	HB 130	400.1-108	Amended	HB 34
387.420	New	HB 130	400.1-201	Amended	HB 34
387.422	New	HB 130	400.1-202	Amended	HB 34
387.424	New	HB 130	400.1-203	Amended	HB 34
387.425	New	HB 130	400.1-204	Amended	HB 34
387.426	New	HB 130	400.1-205	Amended	HB 34
387.427	New	HB 130	400.1-206	Amended	HB 34
387.428	New	HB 130	400.1-207	Repealed	HB 34
387.430	New	HB 130	400.1-208	Repealed	HB 34
387.432	New	HB 130	400.1-301	New	HB 34
387.433	New	HB 130	400.1-302	New	HB 34
387.434	New	HB 130	400.1-303	New	HB 34
387.436	New	HB 130	400.1-304	New	HB 34
387.438	New	HB 130	400.1-305	New	HB 34
387.439	New	HB 130	400.1-306	New	HB 34
387.440	New	HB 130	400.1-307	New	HB 34
393.1075	Amended	SB 112	400.1-308	New	HB 34
400.1-101	Amended	HB 34	400.1-309	New	HB 34



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SECTION	ACTION	BILL	SECTION	ACTION	BILL
400.1-310	New	HB 34	400.7-309	Amended	HB 34
400.7-102	Amended	HB 34	400.7-401	Amended	HB 34
400.7-103	Amended	HB 34	400.7-402	Amended	HB 34
400.7-104	Amended	HB 34	400.7-403	Amended	HB 34
400.7-105	Amended	HB 34	400.7-404	Amended	HB 34
400.7-106	New	HB 34	400.7-501	Amended	HB 34
400.7-201	Amended	HB 34	400.7-502	Amended	HB 34
400.7-202	Amended	HB 34	400.7-503	Amended	HB 34
400.7-203	Amended	HB 34	400.7-504	Amended	HB 34
400.7-204	Amended	HB 34	400.7-505	Amended	HB 34
400.7-205	Amended	HB 34	400.7-506	Amended	HB 34
400.7-206	Amended	HB 34	400.7-507	Amended	HB 34
400.7-207	Amended	HB 34	400.7-508	Amended	HB 34
400.7-208	Amended	HB 34	400.7-509	Amended	HB 34
400.7-209	Amended	HB 34	400.7-601	Amended	HB 34
400.7-210	Amended	HB 34	400.7-602	Amended	HB 34
400.7-301	Amended	HB 34	400.7-603	Amended	HB 34
400.7-302	Amended	HB 34	400.7-604	Repealed	HB 34
400.7-303	Amended	HB 34	400.7-703	New	HB 34
400.7-304	Amended	HB 34	400.7-704	New	HB 34
400.7-305	Amended	HB 34	400.9-501	Vetoed	SB 128
400.7-307	Amended	HB 34	400.9-528	Amended	SB 95
400.7-308	Amended	HB 34	407.816	Amended	SB 8

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
407.816	Amended	SB 222	472.440	Vetoed	SB 128
407.816	Amended	SB 225	472.445	Vetoed	SB 128
407.825	Amended	SB 329	472.450	Vetoed	SB 128
407.826	Amended	SB 329	472.455	Vetoed	SB 128
408.140	Amended	HB 292	472.460	Vetoed	SB 128
408.330	Amended	HB 292	472.465	Vetoed	SB 128
417.018	Amended	SB 95	472.470	Vetoed	SB 128
443.812	Amended	HB 292	472.475	Vetoed	SB 128
452.370	Vetoed	SB 128	472.480	Vetoed	SB 128
452.747	Vetoed	SB 128	472.485	Vetoed	SB 128
454.500	Vetoed	SB 128	472.490	Vetoed	SB 128
456.1.103	Vetoed	SB 128	473.730	Amended	SB 111
456.4.414	Vetoed	SB 128	473.730	Amended	SB 112
456.4.420	Vetoed	SB 128	473.743	Amended	SB 111
456.8.808	Vetoed	SB 128	473.743	Amended	SB 112
472.400	Vetoed	SB 128	473.747	Repealed	SB 111
472.405	Vetoed	SB 128	473.747	Repealed	SB 112
472.410	Vetoed	SB 128	475.024	Vetoed	SB 128
472.415	Vetoed	SB 128	475.084	Vetoed	SB 128
472.420	Vetoed	SB 128	475.120	Amended	SB 111
472.425	Vetoed	SB 128	475.120	Amended	SB 112
472.430	Vetoed	SB 128	475.600	Vetoed	SB 128
472.435	Vetoed	SB 128	475.602	Vetoed	SB 128

TABLE OF SECTIONS AFFECTED  
BY  
2017 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
475.604	Vetoed	SB 128	538.205	Amended	HB 452
478.004	New	SB 501	538.210	Amended	HB 452
478.463	Amended	HB 50	552.020	Vetoed	SB 128
478.463	Vetoed	SB 128	557.035	Amended	SB 34
479.020	Vetoed	SB 128	557.035	Vetoed	SB 128
479.170	Amended	SB 34	565.002	Amended	SB 34
479.170	Vetoed	SB 128	565.024	Amended	SB 34
479.353	Vetoed	SB 128	565.027	Amended	SB 34
479.354	Vetoed	SB 128	565.076	Amended	SB 34
487.200	New	SB 501	565.076	Vetoed	SB 128
488.029	Vetoed	SB 128	565.091	Amended	SB 34
488.2206	Vetoed	SB 128	565.091	Vetoed	SB 128
488.2250	Vetoed	SB 128	565.225	Amended	SB 34
488.5050	Vetoed	SB 128	565.227	Amended	SB 34
490.065	Amended	HB 153	566.010	Amended	SB 34
490.715	Amended	SB 31	566.010	Vetoed	SB 128
513.430	Vetoed	SB 128	566.150	Amended	SB 34
513.440	Vetoed	SB 128	566.150	Amended	SB 160
514.040	Vetoed	SB 128	568.040	Amended	SB 34
515.575	Vetoed	SB 128	569.100	Amended	SB 34
515.635	Vetoed	SB 128	569.120	Amended	SB 34
537.058	New	HB 339	569.140	Amended	SB 34
537.065	Amended	HB 339	570.095	Vetoed	SB 128

TABLE OF SECTIONS AFFECTED  
BY  
2017 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
575.280	Amended	SB 34	620.806	Amended	HB 93
575.280	Vetoed	SB 128	620.809	Amended	HB 93
577.001	Amended	SB 34	620.2100	New	SB 161
577.001	Vetoed	SB 128	650.055	Amended	SB 34
577.010	Amended	SB 34	650.320	Amended	SB 503
577.010	Vetoed	SB 128	650.325	Amended	SB 503
577.011	Vetoed	SB 128	650.330	Amended	SB 503
577.037	Vetoed	SB 128	650.340	Amended	SB 503
577.060	Amended	SB 34	650.520	New	SB 34
577.060	Vetoed	SB 128	Section 1	New	HB 151
577.685	New	SB 34	Section 1	New	SB 64
589.664	New	SB 34	Section 1	New	SB 112
589.664	Vetoed	SB 128	Section 1	New	SB 322
589.675	Amended	SB 34	Section 1	New	SB 421
595.045	Vetoed	SB 128	Section 1	New	SB 486
595.219	Vetoed	SB 128	Section 1	New	SB 501
610.145	New	SB 34	Section 1	New	SB 503
620.800	Amended	HB 93	Section 2	New	SB 322
620.803	Amended	HB 93			

TABLE OF SECTIONS AFFECTED  
BY  
2017 LEGISLATION,  
FIRST EXTRAORDINARY SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
393.355	New	HB 1	393.356	New	HB 1

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TABLE OF SECTIONS AFFECTED  
BY  
2017 LEGISLATION,  
SECOND EXTRAORDINARY SESSION

SECTION	ACTION	BILL		SECTION	ACTION	BILL
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188.021	Amended	SB 5
188.027	Amended	SB 5
188.030	Amended	SB 5
188.039	Amended	SB 5
188.047	Amended	SB 5
188.075	Amended	SB 5
188.125	New	SB 5
188.160	New	SB 5
192.665	Amended	SB 5
192.667	Amended	SB 5
197.150	Amended	SB 5
197.152	Amended	SB 5
197.158	Amended	SB 5
197.160	Amended	SB 5
197.162	Amended	SB 5
197.165	Amended	SB 5

197.200	Amended	SB 5
197.205	Amended	SB 5
197.215	Amended	SB 5
197.220	Amended	SB 5
197.225	Amended	SB 5
197.230	Amended	SB 5
197.235	Amended	SB 5
197.240	Amended	SB 5
197.285	Amended	SB 5
197.287	Amended	SB 5
197.289	Amended	SB 5
197.293	Amended	SB 5
197.295	Amended	SB 5
574.200	New	SB 5
595.027	Amended	SB 5

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HB 1 [HCS HB 1 ]

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

**Appropriates money to the Board of Fund Commissioners**

AN ACT To appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2017 and ending June 30, 2018.

*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, 2017 and ending June 30, 2018 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). . . . . \$25,927,525

**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). . . . . \$25,869,275

**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). . . . . \$12,834,345

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). . . . . 1,742,287  
Total. . . . . \$14,576,632

**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). . . . . \$28,070,232

**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)..... \$1,783,125

**SECTION 1.035.**— To the Board of Fund Commissioners  
For payment of issuance costs, interest, and sinking fund requirements on stormwater control bonds currently outstanding as provided by law  
From Stormwater Control Bond and Interest Fund (Various)..... \$1,787,750

**Bill Totals**

General Revenue Fund. ....	\$40,564,997
Other Funds. ....	1,742,287
Total. ....	<u>\$42,307,284</u>

Approved June 30, 2017

HB 2 [CCS SCS HCS HB 2 ]

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

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2017 and ending June 30, 2018.

*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, 2017 and ending June 30, 2018 as follows:

**SECTION 2.005.**— To the Department of Elementary and Secondary Education  
For the Division of Financial and Administrative Services, provided that not more than three percent (3%) flexibility is allowed from this section to  
Section 2.270  
Personal Service..... \$1,855,629  
Expense and Equipment. .... 115,600  
From General Revenue Fund (0101) . . . . . 1,971,229

Personal Service..... 1,947,968  
Expense and Equipment. .... 691,084  
From Elementary and Secondary Education - Federal Fund (0105). . . . . 2,639,052  
Total (Not to exceed 72.80 F.T.E.) . . . . . \$4,610,281

**SECTION 2.006.** — 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 School Broadband Fund

From General Revenue Fund (0101). . . . . \$6,000,000

**SECTION 2.007.** — To the Department of Elementary and Secondary Education  
For the Commissioner of Education to provide funds to public schools, eligible  
for Federal E-rate reimbursement, to be used as a state match of up to ten  
percent (10%) of E-rate eligible special construction costs under the Federal  
E-rate program pursuant to 47 CFR 54.505, and to provide additional funds  
to eligible public schools in the amount necessary to bring the total support  
from Federal universal service combined with state funds under this section  
to one hundred percent (100%) of E-rate eligible special construction costs,  
provided that no funds are used to construct broadband facilities to schools  
and libraries where such facilities already exist providing at least 100mbps  
symmetrical service; and further provided that to the extent such funds are  
used to construct broadband facilities, the construction, ownership and  
maintenance of such facilities shall be procured through a competitive  
bidding process; and further provided that funds shall only be expended for  
telecommunications, telecommunications services, and internet access and  
no funds shall be expended for internal connections, managed internal  
broadband services, or basic maintenance of internal connections

From School Broadband Fund. . . . . \$6,000,000

**SECTION 2.010.** — To the Department of Elementary and Secondary Education  
For refunds

From Elementary and Secondary Education - Federal Fund (0105). . . . . \$50,000

From Vocational Rehabilitation Fund (0104). . . . . 20,000

Total. . . . . \$70,000

**SECTION 2.015.** — To the Department of Elementary and Secondary Education  
For distributions to the free public schools of \$3,749,483,608 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, provided that the State Adequacy Target  
pursuant to Section 163.011 RSMo shall not exceed \$6,241. . . . . \$3,392,907,149

For Transportation . . . . . 105,297,713

For Early Childhood Special Education . . . . . 183,209,718

For Vocational Education, provided that no funds are used for advertising . . . . . 50,069,028

For Early Childhood Development . . . . . 17,500,000

For Early Childhood Development in unaccredited or provisionally accredited  
districts. . . . . 500,000

From General Revenue Fund (0101) . . . . . 2,201,618,959

From Outstanding Schools Trust Fund (0287). . . . . 836,602,450

From State School Moneys Fund (0616) . . . . . 197,890,281

From Lottery Proceeds Fund (0291). . . . . 144,295,669

From Classroom Trust Fund (0784) . . . . . 351,663,349

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
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, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.270	
Personal Service . . . . .	27,020,448
Expense and Equipment . . . . .	17,284,395
From General Revenue Fund (0101) . . . . .	44,304,843
Personal Service . . . . .	722,689
Expense and Equipment . . . . .	7,001,668
From Elementary and Secondary Education - Federal Fund (0105) . . . . .	7,724,357
Expense and Equipment	
From Bingo Proceeds for Education Fund (0289) . . . . .	1,876,355
Total (Not to exceed 704.65 F.T.E.) . . . . .	\$3,818,978,941
<b>SECTION 2.020.</b> — 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) . . . . .	318,031,026
Total . . . . .	\$321,443,177
<b>SECTION 2.021.</b> — 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) . . . . .	\$750,000
<b>SECTION 2.025.</b> — 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) . . . . .	\$901,600,000
<b>SECTION 2.027.</b> — To the Department of Elementary and Secondary Education For the STEM Career Awareness Program pursuant to House Bill 248 (2017)	
From General Revenue Fund (0101) . . . . .	\$100,000
<b>SECTION 2.030.</b> — To the Department of Elementary and Secondary Education For costs associated with school district bonds	
From School District Bond Fund (0248) . . . . .	\$492,000
<b>SECTION 2.035.</b> — 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) . . . . .	<u>50,000</u>

Expense and Equipment	
From Elementary and Secondary Education - Federal Fund (0105). . . . .	14,950,000
Total. . . . .	<u>\$15,000,000</u>

**SECTION 2.040.** — To the Department of Elementary and Secondary Education For the Division of Learning Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.270, and further 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 2.075, the Vocational Rehabilitation funds in Section 2.135, and the Disability Determination funds in Section 2.140

Personal Service. . . . .	\$3,617,638
Expense and Equipment. . . . .	264,224
From General Revenue Fund (0101) . . . . .	<u>3,881,862</u>

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

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

Personal Service	
From Early Childhood Development, Education and Care Fund (0859) . . . . .	62,108

For the Office of Adult Learning and Rehabilitative Services

Personal Service. . . . .	28,945,500
Expense and Equipment. . . . .	3,543,684
From Vocational Rehabilitation Fund (0104). . . . .	<u>32,489,184</u>
Total (Not to exceed 887.06 F.T.E.) . . . . .	<u>\$49,747,575</u>

**SECTION 2.045.** — 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.270

From General Revenue Fund (0101). . . . .	\$198,200
From Elementary and Secondary Education - Federal Fund (0105). . . . .	500,000

For development of a voluntary early learning quality assurance report	
From General Revenue Fund (0101) . . . . .	59,713

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

For the purpose of funding the Missouri Preschool Program and Early Childhood Program administration and assessment, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.270, and further provided that no annual grant award under the Missouri Preschool Program exceed \$350,000  
From General Revenue Fund (0101) . . . . . 1,000,000  
From Early Childhood Development, Education and Care Fund (0859). . . . . 10,694,141  
Total. . . . . \$12,851,554

**SECTION 2.050.**— 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

**SECTION 2.055.**— To the Department of Elementary and Secondary Education For the School Age Afterschool Program  
From Elementary and Secondary Education - Federal Fund (0105). . . . . \$21,908,383

**SECTION 2.060.**— 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 2.075, the Vocational Rehabilitation funds in Section 2.135, and the Disability Determination funds in Section 2.140, and further provided that no funds from this section shall be used for license fees or membership dues for the Smarter Balanced Assessment Consortium, and further provided that no funds from this section shall be used for assessments which generate results used to lower a public school district's accreditation or a teacher's evaluation  
From General Revenue Fund (0101). . . . . \$9,472,213  
From Elementary and Secondary Education - Federal Fund (0105). . . . . 7,800,000  
From Lottery Proceeds Fund (0291). . . . . 4,311,255  
Total. . . . . \$21,583,468

**SECTION 2.065.**— 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 2.070.**— To the Department of Elementary and Secondary Education For dyslexia programs, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.270  
From General Revenue Fund (0101). . . . . \$250,000

**SECTION 2.075.**— To the Department of Elementary and Secondary Education For improving the academic achievement of the disadvantaged programs operated by local education agencies under Title I of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015

From Elementary and Secondary Education - Federal Fund (0105). . . . . \$260,000,000

**SECTION 2.080.**— To the Department of Elementary and Secondary Education  
For the homeless children and youth program under Title IX, Part A of the  
Elementary and Secondary Education Act of 1965 as amended by the  
Every Student Succeeds Act of 2015

From Elementary and Secondary Education - Federal Fund (0105). . . . . \$1,500,000

**SECTION 2.085.**— 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 2.090.**— 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 Elementary and Secondary Education - Federal Fund (0105). . . . . \$315,875

**SECTION 2.095.**— To the Department of Elementary and Secondary Education  
For the Supporting Effective Instruction Grants Program pursuant to Title II of  
the Elementary and Secondary Education Act of 1965 as amended by the  
Every Student Succeeds Act of 2015

From Elementary and Secondary Education - Federal Fund (0105). . . . . \$44,000,000

**SECTION 2.100.**— To the Department of Elementary and Secondary Education  
For the Expanding Opportunity Thru Quality Charter Schools Program pursuant  
to Title IV, Part C of the Elementary and Secondary Education Act of 1965  
as amended by the Every Student Succeeds Act of 2015

From Elementary and Secondary Education - Federal Fund (0105). . . . . \$2,432,000

**SECTION 2.105.**— To the Department of Elementary and Secondary Education  
For the Rural Education Initiative grants pursuant to Title V, Part B of the  
Elementary and Secondary Education Act of 1965 as amended by the  
Every Student Succeeds Act of 2015

From Elementary and Secondary Education - Federal Fund (0105). . . . . \$3,500,000

**SECTION 2.110.**— To the Department of Elementary and Secondary Education  
For language acquisition pursuant to Title III of the Elementary and Secondary  
Education Act of 1965 as amended by the Every Student Succeeds Act of  
2015

From Elementary and Secondary Education - Federal Fund (0105). . . . . \$5,800,000

**SECTION 2.115.**— To the Department of Elementary and Secondary Education  
For Student Support and Enrichment grants pursuant to Title IV, Part A of the  
Elementary and Secondary Education Act of 1965 as amended by the  
Every Student Succeeds Act of 2015

From Elementary and Secondary Education - Federal Fund (0105). . . . . \$8,000,000

**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 2.125.**— To the Department of Elementary and Secondary Education  
For character education initiatives, provided that not more than three percent  
(3%) flexibility is allowed from this section to Section 2.270  
From General Revenue Fund (0101)..... \$10,000

**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)..... \$14,191,795  
From Vocational Rehabilitation Fund (0104) . . . . . 51,395,734  
From Payments by the Department of Mental Health (0104)..... 1,000,000  
From Lottery Proceeds Fund (0291). . . . . 1,400,000  
Total. . . . . \$67,987,529

**SECTION 2.140.**— To the Department of Elementary and Secondary Education  
For the Disability Determination Program  
From Vocational Rehabilitation Fund (0104). . . . . \$24,162,577

**SECTION 2.145.**— To the Department of Elementary and Secondary Education  
For Independent Living Centers, provided that not more than three percent  
(3%) flexibility is allowed from this section to Section 2.270  
From General Revenue Fund (0101)..... \$1,060,000  
From Vocational Rehabilitation Fund (0104) . . . . . 1,292,546  
From Independent Living Center Fund (0284). . . . . 390,556  
Total. . . . . \$2,743,102

**SECTION 2.150.**— To the Department of Elementary and Secondary Education  
For distributions to educational institutions for the Adult Basic Education Program,  
provided that not more than three percent (3%) flexibility is allowed from  
this section to Section 2.270  
From General Revenue Fund (0101)..... \$5,014,868  
From Elementary and Secondary Education - Federal Fund (0105). . . . . 9,999,155  
Total. . . . . \$15,014,023

**SECTION 2.155.**— 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 2.160.**— To the Department of Elementary and Secondary Education  
For special education excess costs  
From General Revenue Fund (0101)..... \$39,946,351  
From Lottery Proceeds Fund (0291). . . . . 19,590,000  
Total. . . . . \$59,536,351

**SECTION 2.165.**— To the Department of Elementary and Secondary Education  
For the First Steps Program, provided that not more than three percent (3%)  
flexibility is allowed from this section to Section 2.270  
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) . . . . .	<u>13,000,000</u>
Total . . . . .	\$53,312,710

**SECTION 2.170.** — 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 Lottery Proceeds Fund (0291) . . . . . \$5,000,000

**SECTION 2.175.** — To the Department of Elementary and Secondary Education  
For the Sheltered Workshops Program, provided that not more than three percent  
(3%) flexibility is allowed from this section to Section 2.270  
From General Revenue Fund (0101) . . . . . \$26,041,961

**SECTION 2.180.** — To the Department of Elementary and Secondary Education  
For payments to readers for blind or visually-disabled students in elementary  
and secondary schools, provided that not more than three percent (3%)  
flexibility is allowed from this section to Section 2.270  
From General Revenue Fund (0101) . . . . . \$25,000

**SECTION 2.185.** — To the Department of Elementary and Secondary Education  
For a task force on blind student academic and vocational performance, provided  
that not more than three percent (3%) flexibility is allowed from this section  
to Section 2.270  
From General Revenue Fund (0101) . . . . . \$231,953

**SECTION 2.190.** — 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 2.195.** — 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 2.200.** — To the Department of Elementary and Secondary Education  
For the Missouri Special Olympics Program, provided that not more than three  
percent (3%) flexibility is allowed from this section to Section 2.270  
From General Revenue Fund (0101) . . . . . \$100,000

**SECTION 2.205.** — 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 2.210.** — To the Department of Elementary and Secondary Education  
For the Missouri Charter Public School Commission, provided that not more than  
three percent (3%) flexibility is allowed from this section to Section 2.270  
Personal Service and/or Expense and Equipment  
From General Revenue Fund (0101) . . . . . \$500,000  
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.). . . . . \$3,750,000

**SECTION 2.215.**— To the Department of Elementary and Secondary Education  
For the Missouri Commission for the Deaf and Hard of Hearing, provided that  
not more than three percent (3%) flexibility is allowed from this section to  
Section 2.270

Personal Service. . . . . \$310,758  
Expense and Equipment. . . . . 113,071  
From General Revenue Fund (0101). . . . . 423,829

For grants to organizations providing deaf-blind services pursuant to 161.412.1  
RSMo

From General Revenue Fund (0101). . . . . 150,000

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.). . . . . \$877,266

**SECTION 2.220.**— 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. . . . . 228,410  
Expense and Equipment. . . . . 1,639,703  
From Deaf Relay Service and Equipment Distribution Program Fund (0559) . . . . 1,868,113

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.). . . . . \$4,385,050

**SECTION 2.225.**— 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 2.230.**— 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). . . . . \$128,411,878

<b>SECTION 2.235.</b> — 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 Fair Share Fund (0687). . . . .	\$19,200,000
<b>SECTION 2.240.</b> — 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
<b>SECTION 2.245.</b> — 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). . . . .	\$335,000,000
<b>SECTION 2.250.</b> — 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). . . . .	\$16,663,349
<b>SECTION 2.255.</b> — 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
<b>SECTION 2.260.</b> — 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
<b>SECTION 2.265.</b> — 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
<b>SECTION 2.270.</b> — To the Department of Elementary and Secondary Education	
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). . . . .	\$1
<b>Bill Totals</b>	
General Revenue Fund. . . . .	\$3,369,667,115
Federal Funds. . . . .	1,109,671,551
Other Funds. . . . .	<u>1,553,581,029</u>
Total. . . . .	<u>\$6,032,919,695</u>

Approved June 30, 2017

## HB 3 [CCS SCS HCS HB 3 ]

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

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2017 and ending June 30, 2018; 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, 2017 and ending June 30, 2018 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, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121	
Personal Service.....	\$491,250
Expense and Equipment.....	170,878
From General Revenue Fund (0101).....	662,128
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.).....	\$1,081,953

<b>SECTION 3.010.</b> — 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. . . . .	<u>92,148</u>
From Proprietary School Certification Fund (0729)	
(Not to exceed 5.00 F.T.E.). . . . .	\$308,171
<b>SECTION 3.015.</b> — 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
<b>SECTION 3.020.</b> — To the Department of Higher Education	
For annual membership in the Midwestern Higher Education Compact	
From General Revenue Fund (0101). . . . .	\$115,000
<b>SECTION 3.025.</b> — 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 . . . . .	<u>10,000</u>
Federal Education Programs. . . . .	<u>1,200,000</u>
From Department of Higher Education Federal Fund (0116)	
(Not to exceed 1.00 F.T.E.). . . . .	\$1,248,806
<b>SECTION 3.026.</b> — To the Department of Higher Education	
For the State-Wide Student Web Portal	
From Guaranty Agency Operating Fund (0880). . . . .	\$500,000
<b>SECTION 3.030.</b> — 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
<b>SECTION 3.035.</b> — 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 . . . . .	<u>65,000</u>
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. . . . .	<u>10,000</u>
From State Institutions Gift Trust Fund (0925)	
(Not to exceed 1.00 F.T.E.). . . . .	\$98,358

**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121

From General Revenue Fund (0101) . . . . .	\$16,176,666
From Guaranty Agency Operating Fund (0880) . . . . .	4,000,000
From State Institutions Gift Trust Fund (0925) . . . . .	2,000,000
Total . . . . .	<u>\$22,176,666</u>

**SECTION 3.050.**— To the Department of Higher Education

For the Higher Education Academic Scholarship Program pursuant to Chapter 173, RSMo

From Academic Scholarship Fund (0840) . . . . .	\$24,676,666
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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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121

From General Revenue Fund (0101) . . . . .	\$44,165,640
From Lottery Proceeds Fund (0291) . . . . .	11,916,667
From Guaranty Agency Operating Fund (0880) . . . . .	5,500,000
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) . . . . .	50,000
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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121

From General Revenue Fund (0101) . . . . .	\$15,953,878
From Lottery Proceeds Fund (0291) . . . . .	21,659,448
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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121

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, 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, and the Veteran's Survivors Grant Program pursuant to section 173.234, 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121

From AP Incentive Grant Fund (0983) . . . . .	\$100,000
From General Revenue Fund (0101) . . . . .	381,250

For the Marguerite Ross Barnett Scholarship Program pursuant to Section 173.262, RSMo

From Marguerite Ross Barnett Scholarship Fund (0131) . . . . .	500,000
Total . . . . .	\$981,250

**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121

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 . . . . .	\$2,316,262
Expense and Equipment . . . . .	2,825,693
Default prevention activities . . . . .	890,000
Payment of fees for collection of defaulted loans . . . . .	8,000,000
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.) . . . . .	\$14,531,955

**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
<b>SECTION 3.110.</b> — 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).....	\$120,000,000
<b>SECTION 3.115.</b> — To the Department of Higher Education	
For the transfer of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	\$750,000
<b>SECTION 3.116.</b> — 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) .....	\$100,000
<b>SECTION 3.120.</b> — 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
<b>SECTION 3.121.</b> — To the Department of Higher Education	
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund	
From General Revenue Fund (0101).....	\$1
<b>SECTION 3.125.</b> — 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).....	\$1,000,000
<b>SECTION 3.127.</b> — 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
<b>SECTION 3.131.</b> — To Harris-Stowe State University	
For graduate and STEM education programs	
From General Revenue Fund (0101).....	\$250,000



**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). . . . . \$5,000,000

**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  
 From General Revenue Fund (0101). . . . . \$3,000,000

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

**SECTION 3.200.** — To the Department of Higher Education  
 For distribution to community colleges as provided in section 163.191, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121 and further provided that no institution requires students to join a labor organization

From General Revenue Fund (0101). . . . . \$122,461,021  
 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. . . . . \$149,947,746

**SECTION 3.205.** — To the State Technical College of Missouri, provided that not more than three percent (3%) flexibility is allowed from this section to section 3.121  
 All Expenditures  
 From General Revenue Fund (0101). . . . . \$5,141,349  
 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 . . . . . \$5,707,566

**SECTION 3.210.**— To the University of Central Missouri, provided that not more than three percent (3%) flexibility is allowed from this section to section 3.121

All Expenditures  
From General Revenue Fund (0101) . . . . . \$49,733,651  
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 . . . . . \$55,984,610

**SECTION 3.215.**— To Southeast Missouri State University, provided that not more than three percent (3%) flexibility is allowed from this section to section 3.121

All Expenditures  
From General Revenue Fund (0101) . . . . . \$41,138,211  
From Lottery Proceeds Fund (0291) . . . . . 4,935,757

For the payment of refunds set off against debt as required by section 143.786, RSMo

From Debt Offset Escrow Fund (0753) . . . . . 200,000  
Total . . . . . \$46,273,968

**SECTION 3.220.**— To Missouri State University, provided that not more than three percent (3%) flexibility is allowed from this section to section 3.121

All Expenditures  
From General Revenue Fund (0101) . . . . . \$75,950,718  
From Lottery Proceeds Fund (0291) . . . . . 9,670,119

For the payment of refunds set off against debt as required by section 143.786, RSMo

From Debt Offset Escrow Fund (0753) . . . . . 300,000  
Total . . . . . \$85,920,837

**SECTION 3.225.**— To Lincoln University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121

All Expenditures  
From General Revenue Fund (0101) . . . . . \$16,018,441  
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) . . . . . 2,500,000

For the payment of refunds set off against debt as required by Section 143.786, RSMo

From Debt Offset Escrow Fund (0753) . . . . . 200,000  
Total . . . . . \$20,532,513

**SECTION 3.230.** — To Truman State University, provided that not more than three percent (3%) flexibility is allowed from this section to section 3.121

All Expenditures	
From General Revenue Fund (0101). . . . .	\$37,166,361
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. . . . .	<u>\$41,942,526</u>

**SECTION 3.235.** — To Northwest Missouri State University, provided that not more than three percent (3%) flexibility is allowed from this section to section 3.121

All Expenditures	
From General Revenue Fund (0101). . . . .	\$27,646,802
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. . . . .	<u>\$31,189,542</u>

**SECTION 3.240.** — To Missouri Southern State University, provided that not more than three percent (3%) flexibility is allowed from this section to section 3.121

All Expenditures	
From General Revenue Fund (0101). . . . .	\$21,212,724
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. . . . .	<u>\$23,844,235</u>

**SECTION 3.245.** — To Missouri Western State University, provided that not more than three percent (3%) flexibility is allowed from this section to section 3.121

All Expenditures	
From General Revenue Fund (0101). . . . .	\$19,417,925
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. . . . .	<u>\$22,012,252</u>

**SECTION 3.250.** — To Harris-Stowe State University, provided that not more than three percent (3%) flexibility is allowed from this section to section 3.121

All Expenditures	
From General Revenue Fund (0101). . . . .	\$8,564,099

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. . . . . \$9,913,078

**SECTION 3.255.**— To the University of Missouri

For operation of its various campuses and programs

All Expenditures

From General Revenue Fund (0101). . . . . \$372,329,320

From Lottery Proceeds Fund (0291). . . . . 46,842,748

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund (0753). . . . . 1,400,000

Total. . . . . \$420,572,068

**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

**SECTION 3.259.**— To the University of Missouri

For the publication of the 2017-2018 Official Manual of Missouri by the

University of Missouri Press

From General Revenue Fund (0101). . . . . \$75,000

**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, provided that not more than

three percent (3%) flexibility is allowed from this section to Section 3.121

For the Missouri Telehealth Network

All Expenditures

From Healthy Families Trust Fund (0625). . . . . \$437,640

For the purpose of creating and implementing up to eight (8) Extension for

Community Healthcare Outcomes Programs. Four of the programs shall

focus on Hepatitis, Diabetes, Chronic Pain Management, and Childhood Asthma  
 From General Revenue Fund (0101). . . . . 1,500,000  
 Total. . . . . \$1,937,640

**SECTION 3.270.** — To the University of Missouri  
 For a program of research into spinal cord injuries  
 All Expenditures  
 From Spinal Cord Injury Fund (0578) . . . . . \$2,000,000

**SECTION 3.275.** — To the University of Missouri  
 For the treatment of renal disease in a statewide program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121  
 All Expenditures  
 From General Revenue Fund (0101). . . . . \$1,750,000

**SECTION 3.280.** — To the University of Missouri  
 For the State Historical Society, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121  
 All Expenditures  
 From General Revenue Fund (0101). . . . . \$2,460,855

**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 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. . . . . \$909,008,113  
 Federal Funds. . . . . 2,248,806  
 Other Funds. . . . . 283,405,649  
 Total. . . . . \$1,194,662,568

Approved June 30, 2017

HB 4 [CCS SCS HCS HB 4 ]

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

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and

programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2017 and ending June 30, 2018; provided that no funds shall be used for any costs associated with the tolling of interstate highways, and further provided the Missouri Department of Transportation shall not expend any funds to encourage the enactment of local ordinances regarding primary enforcement of seat belt laws.

*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, 2017 and ending June 30, 2018, 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; and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service.....	\$7,483,278
Expense and Equipment.....	<u>3,248,483</u>
From General Revenue Fund (0101).....	10,731,761

Personal Service.....	7,197,457
Expense and Equipment.....	<u>6,507,405</u>
From State Highways and Transportation Department Fund (0644).....	13,704,862

For a new motor vehicle and driver licensing computer system, including design and procurement analysis, provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service.....	178,500
Expense and Equipment.....	<u>25,000</u>
From General Revenue Fund (0101).....	203,500
Total (Not to exceed 445.54 F.T.E.).....	\$24,640,123

**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; and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service.....	\$19,873,511
Expense and Equipment.....	<u>3,942,773</u>
From General Revenue Fund (0101).....	23,816,284

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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.163	
From General Revenue Fund (0101) . . . . .	212,401
For the integrated tax system	
Expense and Equipment	
From General Revenue Fund (0101). . . . .	<u>13,000,000</u>
Total (Not to exceed 572.05 F.T.E.). . . . .	<u>\$37,738,373</u>

**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; and further provided that not more than three percent (3%) flexibility is allowed from this Section to Section 4.163

Personal Service. . . . .	\$376,228
Expense and Equipment. . . . .	<u>380,232</u>
From General Revenue Fund (0101) . . . . .	756,460
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. . . . .	<u>9,953</u>
From Department of Revenue Specialty Plate Fund (0775).. . . . .	<u>16,885</u>
Total (Not to exceed 32.05 F.T.E.). . . . .	<u>\$1,381,460</u>

**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; and further

provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.163	
Personal Service.....	\$1,531,869
Expense and Equipment.....	155,533
From General Revenue Fund (0101).....	1,687,402
Personal Service.....	212,654
Expense and Equipment.....	211,154
From Department of Revenue - Federal Fund (0132).....	423,808
Personal Service.....	461,870
Expense and Equipment.....	28,118
From Motor Vehicle Commission Fund (0588).....	489,988
Personal Service.....	42,279
Expense and Equipment.....	3,323
From Tobacco Control Special Fund (0984).....	45,602
Total (Not to exceed 54.75 F.T.E.).....	\$2,646,800

**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; and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service.....	\$1,144,666
Expense and Equipment.....	211,326
From General Revenue Fund (0101).....	1,355,992
Personal Service.....	54,234
Expense and Equipment.....	3,470,006
From Department of Revenue - Federal Fund (0132).....	3,524,240
Personal Service.....	26,064
Expense and Equipment.....	2,089,841
From Child Support Enforcement Fund (0169).....	2,115,905

For postage, provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.163

Expense and Equipment	
From General Revenue Fund (0101).....	3,993,011
From Health Initiatives Fund (0275).....	5,373
From Motor Vehicle Commission Fund (0588).....	44,029
From Conservation Commission Fund (0609).....	1,343
Total (Not to exceed 38.66 F.T.E.).....	\$11,039,893

**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; and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.163



Personal Service. . . . .	\$2,037,438
Expense and Equipment. . . . .	166,977
From General Revenue Fund (0101) . . . . .	<u>2,204,415</u>

For the Productive Capability of Agricultural and Horticultural Land Use Study, provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.163 Expense and Equipment From General Revenue Fund (0101). . . . .	3,798
Total (Not to exceed 38.00 F.T.E.) . . . . .	<u>\$2,208,213</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). . . . . \$9,956,004

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

**SECTION 4.045.**— To the Department of Revenue  
For payment of fees to counties for the filing of lien notices and lien releases  
From General Revenue Fund (0101). . . . . \$315,000

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

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

**SECTION 4.060.**— To the Department of Revenue  
For refunds for overpayment or erroneous payment of any tax or any payment  
credited to the General Revenue Fund  
From General Revenue Fund (0101). . . . . \$1,499,100,000

For refunds for overpayment or erroneous payment of any tax or any payment credited to the General Revenue Fund in excess of the consensus revenue estimate From General Revenue Fund (0101). . . . .	100,000,000
Total . . . . .	<u>\$1,599,100,000</u>

**SECTION 4.065.**— To the Department of Revenue  
For refunds for overpayment or erroneous payment of any tax or any payment  
credited to Federal and Other Funds  
From Federal and Other Funds (Various). . . . . \$50,000

**SECTION 4.070.**— To the Department of Revenue  
 For refunds for any overpayment or erroneous payment of any tax or fee  
 credited to the State Highways and Transportation Department Fund  
 From State Highways and Transportation Department Fund (0644). . . . . \$2,290,564

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

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

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

**SECTION 4.090.**— To the Department of Revenue  
 For refunds for overpayment or erroneous payment of any tax or any payment  
 for tobacco taxes  
 From Health Initiatives Fund (0275). . . . . \$125,000  
 From State School Moneys Fund (0616) . . . . . 25,000  
 From Fair Share Fund (0687). . . . . 11,000  
 Total. . . . . \$161,000

**SECTION 4.095.**— To the Department of Revenue  
 For apportionments to the several counties and the City of St. Louis to offset  
 credits taken against the County Stock Insurance Tax  
 From General Revenue Fund (0101). . . . . \$115,700

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

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

**SECTION 4.110.**— To the Department of Revenue  
 Funds are to be transferred out of the State Treasury, chargeable to the  
 General Revenue Fund, such amounts as may be necessary to make  
 payments of refunds set off against debts as required by Section  
 488.020(3), RSMo, to the Circuit Courts Escrow Fund  
 From General Revenue Fund (0101). . . . . \$2,518,749

**SECTION 4.115.**— To the Department of Revenue  
 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
<b>SECTION 4.120.</b> — 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
<b>SECTION 4.125.</b> — 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). . . . .	\$325,000
<b>SECTION 4.130.</b> — 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). . . . .	\$325,000
<b>SECTION 4.135.</b> — 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
<b>SECTION 4.140.</b> — 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
<b>SECTION 4.145.</b> — To the Department of Revenue	
For distribution from the various income tax check-off charitable trust funds	
From Other Funds (Various). . . . .	\$50,000
<b>SECTION 4.150.</b> — 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
<b>SECTION 4.155.</b> — 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
<b>SECTION 4.160.</b> — 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 4.163.**— To the Department of Revenue

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

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

**SECTION 4.165.**— To the Department of Revenue

For the State Lottery Commission, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service, expense and equipment; 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 Article III, Section 39(b) 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 State Lottery Commission, excluding any purposes for which appropriations have been made elsewhere in this section . . . . . 24,871,477

For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of no more than 215 pull tab machines located in fraternal organizations only . . . . . 4,123,405

For advertising expenses . . . . . 16,000,000

From Lottery Enterprise Fund (0657) (Not to exceed 153.50 F.T.E.) . . . . . \$60,917,646

**SECTION 4.170.**— To the Department of Revenue

For the State Lottery Commission

For the payment of prizes

From State Lottery Fund (0682) . . . . . \$174,075,218

**SECTION 4.175.**— 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) . . . . . \$65,981,168

**SECTION 4.180.**— To the Department of Revenue

Funds are to be transferred out of the State Treasury, chargeable to the Lottery Enterprise Fund, to the State Lottery Fund

From Lottery Enterprise Fund (0657) . . . . . \$1,000,000

**SECTION 4.185.**— To the Department of Revenue

Funds are to be transferred out of the State Treasury, chargeable to the State Lottery Fund to the Lottery Proceeds Fund

From State Lottery Fund (0682) . . . . . \$311,000,000

**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. . . . .	<u>7,347,562</u>
From State Road Fund (0320). . . . .	26,076,918

For costs related to license plate reissuance

Expense and Equipment	
From State Road Fund (0320). . . . .	7,000,000

For Organizational Dues

From Multimodal Operations Federal Fund (0126) . . . . .	5,000
From State Road Fund (0320). . . . .	70,000
From Railroad Expense Fund (0659). . . . .	<u>5,000</u>
Total (Not to exceed 350.57 F.T.E.). . . . .	\$33,156,918

**SECTION 4.405.** — To the Department of Transportation

For department-wide fringe expenses

For Administration fringe benefits

Personal Service. . . . .	\$14,064,495
Expense and Equipment. . . . .	<u>17,797,243</u>
From State Road Fund (0320). . . . .	31,861,738

For Construction Program fringe benefits

Personal Service. . . . .	50,896,254
Expense and Equipment. . . . .	<u>685,000</u>
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. . . . .	114,443,469
Expense and Equipment. . . . .	<u>6,653,778</u>
From State Road Fund (0320). . . . .	121,097,247

For Fleet, Facilities, and Information Systems fringe benefits

Personal Service. . . . .	10,461,696
Expense and Equipment. . . . .	<u>244,493</u>
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). . . . .	331,842
From Railroad Expense Fund (0659). . . . .	358,987
From State Transportation Fund (0675). . . . .	118,211
From Aviation Trust Fund (0952). . . . .	<u>375,302</u>
Total. . . . .	\$216,899,128

**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. . . . .	\$67,292,198
Expense and Equipment . . . . .	19,558,170
Construction. . . . .	995,811,499
From State Road Fund (0320). . . . .	<u>1,082,661,867</u>

For all expenditures associated with paying outstanding state road bond debt, provided that not more than fifty percent (50%) flexibility is allowed between the State Road Fund and State Road Bond Fund

From State Road Fund (0320). . . . .	138,638,981
From State Road Bond Fund (0319). . . . .	180,009,881
Total (Not to exceed 1,326.44 F.T.E.). . . . .	<u>\$1,401,310,729</u>

**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. . . . .	54,393
From Department of Transportation - Highway Safety Fund (0149) . . . . .	<u>373,595</u>

Personal Service. . . . .	143,048,845
Expense and Equipment. . . . .	223,906,284
From State Road Fund (0320). . . . .	<u>366,955,129</u>

Expense and Equipment From Motorcycle Safety Trust Fund (0246) . . . . .	425,000
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For allotments, grants, and contributions from grants of National Highway Safety Act moneys for vehicle checkpoints where motorists may be detained without individualized reasonable suspicion, and related administrative expenses . . . . . 1

For allotments, grants, and contributions from grants of National Highway Safety Act moneys for highway safety education and enforcement programs and their related administrative expenses, excluding expenses related to vehicle checkpoints where motorists may be detained without individualized

reasonable suspicion. . . . .	19,999,999
From Department of Transportation - Highway Safety Fund (0149) . . . . .	<u>20,000,000</u>

For the Motor Carrier Safety Assistance Program, provided that no funds received from the USDOT Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety Assistance Program (MCSAP) Basic and/or High Priority Grants shall be utilized to pay for membership dues to any organization which a state employee sits on the organization's board and the state employee is also the regulator over the organization's state contract or state memorandum of understanding. These funds shall also not be used to pay for any private association's membership dues for the same organization

From Motor Carrier Safety Assistance Program/Division of Transportation - Federal Fund (0185). . . . .	1,999,725
Total (Not to exceed 3,543.93 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. . . . .	<u>70,200,000</u>
From State Road Fund (0320) (Not to exceed 299.25 F.T.E.). . . . .	<u>\$84,520,326</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 (0644). . . . . \$35,240

For refunds and distributions of motor fuel taxes. . . . .	30,000,000
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).. . . . . \$510,000,000

**SECTION 4.435.** — To the Department of Transportation

For Multimodal Operations Administration

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

Personal Service. . . . .	472,131
Expense and Equipment. . . . .	<u>39,852</u>
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) . . . . .	\$167,000
From Railroad Expense Fund (0659) . . . . .	270,000
From State Transportation Fund (0675) . . . . .	70,000
From Aviation Trust Fund (0952) . . . . .	151,134
Total . . . . .	\$658,134

**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 State Transportation Fund (0675) . . . . .	\$1,710,875
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**SECTION 4.455.** — 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 no more than twenty-five percent (25%) flexibility is allowed between Sections 4.455, 4.465, 4.470, 4.475, 4.480

From Multimodal Operations Federal Fund (0126) . . . . .	\$10,600,000
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**SECTION 4.460.** — 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.530

From General Revenue Fund (0101) . . . . .	\$1,194,129
From State Transportation Fund (0675) . . . . .	1,274,478



Total . . . . . \$2,468,607

**SECTION 4.465.** — 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 4.455, 4.465, 4.470, 4.475, 4.480

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

**SECTION 4.470.** — 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 4.455, 4.465, 4.470, 4.475, 4.480

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

**SECTION 4.475.** — 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 4.455, 4.465, 4.470, 4.475, 4.480

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

**SECTION 4.480.** — 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 4.455, 4.465, 4.470, 4.475, 4.480

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

**SECTION 4.485.** — 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 4.490.** — To the Department of Transportation

For the Rail Program

For passenger rail service in Missouri

From General Revenue Fund (0101). . . . . \$9,100,000

**SECTION 4.495.** — To the Department of Transportation

For station repairs and improvements at Missouri Amtrak stations

From State Transportation Fund (0675). . . . . \$25,000

**SECTION 4.500.** — 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). . . . . \$3,000,000

<b>SECTION 4.505.</b> — 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 provided that \$2,500,000 shall be designated for an airport located near any home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants and in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants	
From Aviation Trust Fund (0952) . . . . .	\$10,000,000
<b>SECTION 4.510.</b> — To the Department of Transportation	
For the Aviation Program	
For construction, capital improvements, or planning of publicly owned airfields by cities or other political subdivisions, including land acquisition, pursuant to the provisions of the State Block Grant Program administered through the Federal Airport Improvement Program	
From Multimodal Operations Federal Fund (0126) . . . . .	\$35,000,000
<b>SECTION 4.515.</b> — 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 4.530	
From General Revenue Fund (0101) . . . . .	\$1,500,000
From State Transportation Fund (0675) . . . . .	600,000
Total . . . . .	<u>\$2,100,000</u>
<b>SECTION 4.520.</b> — To the Department of Transportation	
For the Federal Rail, Port and Freight Assistance Program	
From Multimodal Operations Federal Fund (0126) . . . . .	\$26,000,000
<b>SECTION 4.525.</b> — 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
<b>SECTION 4.530.</b> — To the Department of Transportation	
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund	
From General Revenue Fund (0101) . . . . .	\$1
<b>Department of Revenue Totals</b>	
General Revenue Fund . . . . .	\$72,383,729
Federal Funds . . . . .	4,111,573
Other Funds . . . . .	<u>440,571,129</u>
Total . . . . .	\$517,066,431
<b>Department of Transportation Totals</b>	
General Revenue Fund . . . . .	\$11,794,130

Federal Funds. . . . .	144,605,962
Other Funds. . . . .	<u>2,123,863,550</u>
Total. . . . .	<u>\$2,280,263,642</u>

Approved June 30, 2017

HB 5 [CCS SCS HCS HB 5 ]

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

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2017 and ending June 30, 2018.

*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, 2017 and ending June 30, 2018, as follows:

**SECTION 5.005.**— To the Office of Administration  
 For the Commissioner's Office, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.121

Personal Service. . . . .	\$648,819
Expense and Equipment. . . . .	<u>71,868</u>
From General Revenue Fund (0101) . . . . .	<u>720,687</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>
Total (Not to exceed 14.50 F.T.E.) . . . . .	\$1,025,153

**SECTION 5.007.**— To the Office of Administration  
 For Contract Review  
 Personal Service

From General Revenue Fund (0101). . . . .	\$139,882
From DOLIR Administrative Fund (0122). . . . .	2,563
From Department of Mental Health Federal Fund (0148). . . . .	9,870
From Job Development and Training Fund (0155). . . . .	1,259

From DNR Cost Allocation Fund (0500) . . . . .	6,029
From State Facility Maintenance and Operation Fund (0501). . . . .	6,569
From DIFP Administrative Fund (0503) . . . . .	2,059
From Department of Economic Development Administrative Fund (0547) . . . . .	1,592
From Agriculture Protection Fund (0970). . . . .	<u>1,572</u>
Total (Not to exceed 2.00 F.T.E.). . . . .	\$171,395

**SECTION 5.010.** — To the Office of Administration

For the Division of Accounting, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.121 and further provided that no more than five percent (5%) flexibility is allowed from personal service to expense and equipment

Personal Service. . . . .	\$2,150,125
Expense and Equipment. . . . .	<u>116,895</u>
From General Revenue Fund (0101) (Not to exceed 49.00 F.T.E.).. . . .	\$2,267,020

**SECTION 5.015.** — To the Office of Administration

For the Division of Budget and Planning, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.121, and further provided that no more than twenty percent (20%) flexibility is allowed between personal service and expense and equipment

Personal Service. . . . .	\$1,655,666
Expense and Equipment. . . . .	<u>74,941</u>
From General Revenue Fund (0101) (Not to exceed 26.00 F.T.E.).. . . .	\$1,730,607

**SECTION 5.020.** — To the Office of Administration

For the Information Technology Services Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.121, and further provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment within Section 5.020, provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.020, 5.021, and 5.022 between the general revenue fund and provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.020, 5.021 and 5.022 between federal funds and between other funds

For the purpose of Information Technology Services Division billings

Personal Service. . . . .	\$7,589,663
Expense and Equipment. . . . .	<u>38,732,518</u>
From Missouri Revolving Information Technology Trust Fund (0980) . . . . .	46,322,181

For the purpose of providing state-wide information technology applications, infrastructure and administrative support

Personal Service. . . . .	10,927,800
Expense and Equipment. . . . .	<u>4,821,081</u>
From General Revenue Fund (0101) . . . . .	15,748,881

Personal Service. . . . .	8,435,548
Expense and Equipment. . . . .	<u>1,848,557</u>
From OA Information Technology Federal Fund (0165) . . . . .	10,284,105

For the purpose of funding information technology security enhancements

From General Revenue Fund (0101) . . . . .	9,000,000
Total (Not to exceed 736.56 F.T.E.) . . . . .	<u>\$81,355,167</u>

**SECTION 5.021.**— To the Office of Administration

For the Information Technology Services Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.121, and further provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment within Section 5.021, provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.021, and 5.022 between the general revenue fund and provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.021 and 5.022 between federal funds and between other funds

For the Department of Elementary and Secondary Education	
Personal Service. . . . .	\$415,562
Expense and Equipment. . . . .	<u>397,747</u>
From General Revenue Fund (0101) . . . . .	813,309

From OA Information Technology Federal Fund (0165) . . . . .	3,487,839
From Other Funds (Various) . . . . .	305,965

For the Department of Higher Education	
Personal Service. . . . .	1
Expense and Equipment. . . . .	<u>39,684</u>
From General Revenue Fund (0101) . . . . .	39,685

From OA Information Technology Federal Fund (0165) . . . . .	2
From Other Funds (Various) . . . . .	911,754

For the Department of Revenue	
Personal Service. . . . .	2,556,601
Expense and Equipment. . . . .	<u>9,894,845</u>
From General Revenue Fund (0101) . . . . .	12,451,446

From OA Information Technology Federal Fund (0165) . . . . .	2
From Other Funds (Various) . . . . .	2,950,614

For the Office of Administration	
Personal Service. . . . .	1,169,837
Expense and Equipment. . . . .	<u>3,807,541</u>
From General Revenue Fund (0101) . . . . .	4,977,378

From OA Information Technology Federal Fund (0165) . . . . .	2
From Other Funds (Various) . . . . .	574,448

For the Department of Agriculture	
Personal Service. . . . .	191,822
Expense and Equipment. . . . .	<u>267,439</u>
From General Revenue Fund (0101) . . . . .	459,261

From OA Information Technology Federal Fund (0165) . . . . .	2
From Other Funds (Various) . . . . .	431,263
For the Department of Natural Resources	
Personal Service . . . . .	149,563
Expense and Equipment . . . . .	<u>1</u>
From General Revenue Fund (0101) . . . . .	149,564
From OA Information Technology Federal Fund (0165) . . . . .	1,563,278
From Other Funds (Various) . . . . .	6,572,756
For the Department of Economic Development	
Personal Service . . . . .	121,964
Expense and Equipment . . . . .	<u>201,893</u>
From General Revenue Fund (0101) . . . . .	323,857
From OA Information Technology Federal Fund (0165) . . . . .	2,358,878
From Other Funds (Various) . . . . .	1,227,385
For the Department of Insurance	
Personal Service . . . . .	1
Expense and Equipment . . . . .	<u>1</u>
From General Revenue Fund (0101) . . . . .	2
From OA Information Technology Federal Fund (0165) . . . . .	2
From Other Funds (Various) . . . . .	2,659,163
For the Department of Labor	
Personal Service . . . . .	1
Expense and Equipment . . . . .	<u>14,445</u>
From General Revenue Fund (0101) . . . . .	14,446
From DOLIR Administrative Fund (0122) . . . . .	4,007,050
From OA Information Technology Federal Fund (0165) . . . . .	3,805,575
From Other Funds (Various) . . . . .	16,273,978
For the Department of Public Safety	
Personal Service . . . . .	246,328
Expense and Equipment . . . . .	<u>236,954</u>
From General Revenue Fund (0101) . . . . .	483,282
From OA Information Technology Federal Fund (0165) . . . . .	48,670
From Other Funds (Various) . . . . .	1,763,398
For the Department of Corrections	
Personal Service . . . . .	792,848
Expense and Equipment . . . . .	<u>4,025,061</u>
From General Revenue Fund (0101) . . . . .	4,817,909
From OA Information Technology Federal Fund (0165) . . . . .	2
From Other Funds (Various) . . . . .	246,009

For the Department of Health and Senior Services	
Personal Service. . . . .	658,729
Expense and Equipment. . . . .	<u>32,536</u>
From General Revenue Fund (0101) . . . . .	691,265
From OA Information Technology Federal Fund (0165) . . . . .	9,023,164
From Other Funds (Various) . . . . .	1,937,930
For the Department of Mental Health	
Personal Service. . . . .	2,712,567
Expense and Equipment. . . . .	<u>2,781,725</u>
From General Revenue Fund (0101) . . . . .	5,494,292
From OA Information Technology Federal Fund (0165) . . . . .	3,711,254
For the Department of Social Services	
Personal Service. . . . .	1,642,240
Expense and Equipment. . . . .	<u>1,243,257</u>
From General Revenue Fund (0101) . . . . .	2,885,497
From OA Information Technology Federal Fund (0165) . . . . .	36,853,267
From Other Funds (Various). . . . .	<u>1,598,319</u>
Total (Not to exceed 243.44 F.T.E.). . . . .	\$135,913,162

**SECTION 5.022.** — To the Office of Administration

For the Information Technology Services Division

For on-going information technology projects, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.121, and further provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment within Section 5.022, provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.021, and 5.022 between the general revenue fund and provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.021 and 5.022 between federal funds and between other funds

For the Department of Elementary and Secondary Education

Expense and Equipment	
From General Revenue Fund (0101). . . . .	\$1
From Federal Funds or Other Funds (Various). . . . .	1

For information technology projects started during the fiscal year

From Missouri Revolving Information Technology Trust Fund (0980) . . . . .	2
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For the Department of Higher Education

Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1
From Federal Funds or Other Funds (Various). . . . .	1

For information technology projects started during the fiscal year

From Missouri Revolving Information Technology Trust Fund (0980) . . . . .	2
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For the Department of Revenue	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1
From Federal Funds or Other Funds (Various). . . . .	1
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980) . . . . .	2
For the Office of Administration	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1
From Federal Funds or Other Funds (Various). . . . .	1
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980) . . . . .	2
For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1
From Federal Funds or Other Funds (Various). . . . .	1
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980) . . . . .	2
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1
From Federal Funds or Other Funds (Various). . . . .	2
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980) . . . . .	141,030
For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1
From Federal Funds or Other Funds (Various). . . . .	1
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980) . . . . .	2
For the Department of Insurance	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1
From Federal Funds or Other Funds (Various). . . . .	1
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980) . . . . .	2
For the Department of Labor	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1
From Federal Funds or Other Funds (Various). . . . .	2



For information technology projects started during the fiscal year  
From Missouri Revolving Information Technology Trust Fund (0980) . . . . . 2

For the Department of Public Safety  
Expense and Equipment  
From General Revenue Fund (0101) . . . . . 1  
From Federal Funds or Other Funds (Various). . . . . 1

For information technology projects started during the fiscal year  
From Missouri Revolving Information Technology Trust Fund (0980) . . . . . 2

For the Department of Corrections  
Expense and Equipment  
From General Revenue Fund (0101) . . . . . 1  
From Federal Funds or Other Funds (Various). . . . . 1

For information technology projects started during the fiscal year  
From Missouri Revolving Information Technology Trust Fund (0980) . . . . . 3,763,244

For the Department of Health and Senior Services  
Expense and Equipment  
From General Revenue Fund (0101) . . . . . 1  
From Federal Funds or Other Funds (Various). . . . . 1

For information technology projects started during the fiscal year  
From Missouri Revolving Information Technology Trust Fund (0980) . . . . . 2

For the Department of Mental Health  
Expense and Equipment  
From General Revenue Fund (0101) . . . . . 1  
From Federal Funds or Other Funds (Various). . . . . 1

For information technology projects started during the fiscal year  
From Missouri Revolving Information Technology Trust Fund (0980) . . . . . 2

For the Department of Social Services  
Expense and Equipment  
From General Revenue Fund (0101) . . . . . 1  
From Federal Funds or Other Funds (Various). . . . . 1

For information technology projects started during the fiscal year  
From Missouri Revolving Information Technology Trust Fund (0980). . . . . 2

Total. . . . . \$3,904,328

**SECTION 5.025.**— To the Office of Administration  
For the Information Technology Services Division  
For the centralized telephone billing system  
Expense and Equipment  
From Missouri Revolving Information Technology Trust Fund (0980). . . . . \$44,700,697

**SECTION 5.030.**— To the Office of Administration

Funds are to be transferred out of the State Treasury, chargeable to the Missouri Revolving Information Technology Trust Fund, to the eProcurement and State Technology Fund

From Missouri Revolving Information Technology Trust Fund (0980). . . . . \$2,000,000

For the purpose of receiving and expending funds for eProcurement activities

From eProcurement and State Technology Fund (0495). . . . . 2,000,000

Total. . . . . \$4,000,000

**SECTION 5.035.**— To the Office of Administration

For the Division of Personnel, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.121

Personal Service. . . . . \$2,803,711

Expense and Equipment. . . . . 91,646

From General Revenue Fund (0101). . . . . 2,895,357

Personal Service. . . . . 179,431

Expense and Equipment. . . . . 471,489

From Office of Administration Revolving Administrative Trust Fund (0505). . . . . 650,920

Personal Service. . . . . 93,023

Expense and Equipment. . . . . 3,600

From Missouri Revolving Information Technology Trust Fund (0980). . . . . 96,623

Total (Not to exceed 72.97 F.T.E.). . . . . \$3,642,900

**SECTION 5.040.**— To the Office of Administration

For the Division of Purchasing and Materials Management, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.121

Personal Service. . . . . \$1,803,015

Expense and Equipment. . . . . 77,203

From General Revenue Fund (0101) (Not to exceed 35.00 F.T.E.). . . . . \$1,880,218

**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. . . . .	\$19,503,215
Expense and Equipment. . . . .	<u>34,452,529</u>
From State Facility Maintenance and Operation Fund (0501)	
(Not to exceed 515.25 F.T.E.). . . . .	\$53,955,744

**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.121

Personal Service. . . . .	\$888,926
Expense and Equipment. . . . .	<u>75,353</u>
From General Revenue Fund (0101) . . . . .	964,279
Personal Service. . . . .	2,906,394
Expense and Equipment. . . . .	<u>979,728</u>
From Office of Administration Revolving Administrative Trust Fund (0505). . .	<u>3,886,122</u>
Total (Not to exceed 106.00 F.T.E.). . . . .	\$4,850,401

**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. . . . .	<u>595,698</u>
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.).....	<u>\$99,156</u>

**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).....	\$3,000,000

**SECTION 5.105.**— To the Office of Administration

Funds are to be transferred out of the State Treasury, chargeable to the Other Funds, to the State Property Preservation Fund	
From Other Funds (Various).....	\$25,000,000

**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).....	\$25,000,000

**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).....	\$16,000,000
From Federal and Other Funds (Various).....	<u>10,000,000</u>
Total.....	\$26,000,000

**SECTION 5.121.**— 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 Section 105.711  
through 105.726, RSMo, to the State Legal Expense Fund  
From General Revenue Fund (0101). . . . . \$1

**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). . . . . \$100,000,000

**SECTION 5.130.** — To the Office of Administration  
For the Administrative Hearing Commission, provided that not more than  
three percent (3%) flexibility is allowed from this section to Section  
5.121, and further provided that not more than twenty percent (20%)  
flexibility is allowed between personal service and expense and equipment  
Personal Service. . . . . \$984,656  
Expense and Equipment. . . . . 82,552  
From General Revenue Fund (0101) . . . . . 1,067,208

Personal Service. . . . . 76,969  
Expense and Equipment. . . . . 56,715  
From Administrative Hearing Commission Educational Due Process Hearing  
Fund (0818). . . . . 133,684  
Total (Not to exceed 16.50 F.T.E.). . . . . \$1,200,892

**SECTION 5.135.** — To the Office of Administration  
For the purpose of funding the Office of Child Advocate, provided that not  
more than three percent (3%) flexibility is allowed from this section to  
Section 5.121, and further 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. . . . . 8,103  
From General Revenue Fund (0101) . . . . . 183,416

Personal Service. . . . . 128,189  
Expense and Equipment. . . . . 14,825  
From Office of Administration - Federal Fund (0135). . . . . 143,014  
Total (Not to exceed 5.00 F.T.E.). . . . . \$326,430

**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 . . . . . 112,092  
For Program Disbursements. . . . . 2,800,000  
From Children's Trust Fund (0694) (Not to exceed 5.00 F.T.E.). . . . . \$3,135,088

**SECTION 5.145.** — To the Office of Administration  
For the purpose of funding the Governor's Council on Disability, provided that  
not more than three percent (3%) flexibility is allowed from this section to

Section 5.121, and further 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>19,618</u>
From General Revenue Fund (0101) (Not to exceed 4.00 F.T.E.).....	\$198,611

**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.....	\$1,209,466
Expense and Equipment.....	<u>307,866</u>
From General Revenue Fund (0101) (Not to exceed 24.00 F.T.E.).....	\$1,517,332

**SECTION 5.160.**— To the Office of Administration

For the Division of Accounting

For payment of rent by the state for state agencies occupying Board of Public Buildings revenue bond financed buildings. Funds are to be used for principal, interest, bond issuance costs, and reserve fund requirements of Board of Public Buildings bonds

From General Revenue Fund (0101).....	\$63,383,676
From Facilities Maintenance Reserve Fund (0124).....	<u>15,258,675</u>
Total.....	\$78,642,351

**SECTION 5.165.**— To the Office of Administration

For the Division of Accounting

For annual fees, arbitrage rebate, refunding, defeasance, and related expenses of House Bill 5 debt

From General Revenue Fund (0101).....	\$30,654
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**SECTION 5.170.**— To the Office of Administration

For the Division of Accounting

For payment of the state's lease/purchase debt requirements

From General Revenue Fund (0101).....	\$13,664,857
From State Facility Maintenance and Operation Fund (0501).....	<u>2,417,682</u>
Total.....	\$16,082,539

**SECTION 5.175.**— To the Office of Administration

For the Division of Accounting

For MOHEFA debt service and all related expenses associated with the Series 2011 MU-Columbia Arena project bonds

From General Revenue Fund (0101).....	\$2,522,625
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**SECTION 5.180.**— 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). . . . . \$2,333,344

**\*SECTION 5.181.**— To the Office of Administration  
 For the Division of Accounting  
 For MOHEFA debt service and all related expenses associated with the Kansas  
 City Music Conservatory project bonds  
 From General Revenue Fund (0101). . . . . \$1

\*I hereby veto \$1 General Revenue for MOHEFA debt service and all related expenses associated with the Kansas City Music Conservatory project bonds.

This decision is consistent with my veto message of June 29, 2017 returning House Committee Substitute for House Concurrent Resolution 19 without my approval.

The Section vetoed relates to the General Assembly's decision to commit the State of Missouri to additional bond debt to fund 50% of a new conservatory building for the University of Missouri-Kansas City's music and dance programs. This would have put Missouri taxpayers on the hook for \$48 million in debt over the next decade. The interest on these bonds is estimated to be between \$7 million and \$10 million. Furthermore, there was no definite plan to cover the facility's operating expenses; therefore, the taxpayers were at risk for an estimated \$19 million in operating expenses in the next 10 years.

I came into office as a conservative outsider. I pledged to act as a budget hawk and protect the people's money. My administration asked leaders across government to do more with less taxpayer money, and to get better results for the people of Missouri. I urged the leaders of Missouri's universities to think and act differently, to prioritize, and to make tough decisions. In a sign of their commitment to heeding this call, the President and the Board of Curators of the University of Missouri System announced that they will reject any additional taxpayer money to pay for the UMKC conservatory. Instead, university leaders have committed to develop a real, detailed plan to pay for the building with alternative means: either through private funds or by reprioritizing their current resources.

Accordingly, I veto this section to protect Missouri taxpayers and to signal my support for the need for a real plan before the State makes any major capital investment. I cannot support a legislative maneuver that blindly pledges taxpayer dollars, and certainly not when leaders in the university system have publicly acknowledged that no state funds should be used for this project.

Said section is vetoed in its entirety from \$1 to \$0 in total from General Revenue Fund.  
 From \$1 to \$0 in total for the section.

**ERIC R. GREITENS, GOVERNOR**

**SECTION 5.185.**— 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)..... \$12,349,819

**SECTION 5.190.**— 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)..... \$12,944,819

**SECTION 5.195.**— 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)..... \$805,258

**SECTION 5.200.**— 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)..... \$4,671,029

**SECTION 5.205.**— To the Office of Administration  
For the Division of Accounting  
For Debt Management, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.121  
Expense and Equipment  
From General Revenue Fund (0101)..... \$83,300

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

**SECTION 5.215.**— 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 5.220.**— To the Office of Administration  
For the Division of Accounting  
For debt service and maintenance on the Edward Jones Dome project in St. Louis  
From General Revenue Fund (0101)..... \$12,000,000

**SECTION 5.225.**— To the Office of Administration  
For the Division of Accounting  
For interest payments on federal grant monies in accordance with the Cash Management Improvement Act of 1990 and 1992, and any other interest or penalties due to the federal government  
From General Revenue Fund (0101)..... \$300,000  
From Federal Funds (Various)..... 20,000



From Other Funds (Various) . . . . .	20,000
Total . . . . .	<u>\$340,000</u>

**SECTION 5.230.**— 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 . . . . .	<u>\$575,000,000</u>

**SECTION 5.235.**— To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for 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 . . . . .	<u>\$575,000,000</u>

**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 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 . . . . .	<u>\$3,500,000</u>

**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 constitutional requirements of the Budget Reserve Fund, provided that not more than twenty five percent (25%) flexibility is allowed from section 5.490 to this section

From General Revenue Fund (0101) . . . . .	\$26,000,000
From Budget Reserve Fund (0100) . . . . .	<u>1</u>
Total . . . . .	<u>\$26,000,001</u>

**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 corrections to fund balances

From General Revenue Fund (0101).....	\$50,000
From Federal and Other Funds (Various).....	750,000
Total.....	\$800,000

**SECTION 5.255.**— To the Office of Administration

Funds are to be transferred out of the State Treasury, chargeable to the Rebuild Damaged Infrastructure Fund, to the General Revenue Fund

From Rebuild Damaged Infrastructure Fund (0814).....	\$60,000
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**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).....	\$9,011,170
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**SECTION 5.265.**— To the Office of Administration

For funding statewide membership dues

From General Revenue Fund (0101).....	\$231,000
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**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
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**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
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**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
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**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
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**SECTION 5.450.** — To the Office of Administration

For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section

From General Revenue Fund (0101). . . . .	\$76,133,000
From Federal Funds (Various) . . . . .	32,067,541
From Other Funds (Various). . . . .	45,246,877
Total. . . . .	<u>\$153,447,418</u>

**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).. . . . .	\$8,475,349
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**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).. . . . .	\$161,922,767
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**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 \$10,768,373 shall be expended on administration of the system, excluding investment expenses and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section

From General Revenue Fund (0101). . . . .	\$234,538,000
From Federal Funds (Various) . . . . .	86,355,893
From Other Funds (Various). . . . .	72,361,152
Total. . . . .	<u>\$393,255,045</u>

**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 \$10,768,373 shall be expended on administration of the system, excluding investment expenses

From State Retirement Contributions Fund (0701).. . . . .	\$393,255,045
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**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 and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section

From General Revenue Fund (0101).....	\$120,000
From DESE - Federal Fund (0105).....	23,000
From DOSS Federal and Other Sources Fund (0610).....	7,000
From DOSS Educational Improvement Fund (0620).....	1,500
From Health Initiatives Fund (0275).....	500
Total.....	<u>\$152,000</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 and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section

From General Revenue Fund (0101).....	\$1,634,325
From Federal Funds (Various).....	659,619
From Other Funds (Various).....	<u>1,310,573</u>
Total.....	<u>\$3,604,517</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).....	\$144,942
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**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 \$8,033,748 shall be expended on administration of the plan, excluding third-party administrator fees, provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section; and further provided that not more than twenty five percent (25%) flexibility is allowed from this section to Section 5.245

From General Revenue Fund (0101).....	\$246,643,832
From Federal Funds (Various).....	97,685,217
From Other Funds (Various).....	<u>59,021,267</u>
Total.....	<u>\$403,350,316</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 \$8,033,748 shall be expended on administration of the plan, excluding third-party administrator fees

From Missouri Consolidated Health Care Plan Benefit Fund (0765).....	\$403,350,316
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**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). . . . . \$36,000

**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). . . . . \$3,900,000

**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). . . . . \$32,156,554  
 From Conservation Commission Fund (0609). . . . . 1,200,000  
 Total. . . . . \$33,356,554

**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 and further provided  
 that no more than five percent (5%) flexibility is allowed between  
 federal and other funds within this section  
 From Federal Funds (Various). . . . . \$4,159,070  
 From Other Funds (Various). . . . . 3,196,686  
 Total. . . . . \$7,355,756

**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). . . . . \$2,665,000  
 From Conservation Commission Fund (0609). . . . . 65,000  
 Total. . . . . \$2,730,000

**Office of Administration Totals**

General Revenue Fund. . . . .	\$229,398,448
Federal Funds. . . . .	81,110,186
Other Funds. . . . .	59,177,545
Total. . . . .	<u>\$369,686,179</u>

**Employee Benefits Totals**

General Revenue Fund. . . . .	\$593,926,712
Federal Funds. . . . .	216,798,270
Other Funds. . . . .	191,727,160
Total. . . . .	<u>\$1,002,452,142</u>

Approved June 30, 2017

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**HB 6 [CCS SCS HCS HB 6 ]**

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

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2017 and ending June 30, 2018; provided the Department of Natural Resources notify members of the General Assembly, in writing, 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, 2017 and ending June 30, 2018 as follows:

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**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. . . . .	\$756,773
Expense and Equipment. . . . .	<u>128,725</u>
From Agriculture Protection Fund (0970). . . . .	885,498

Personal Service. . . . .	23,222
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. . . . .	33,498
Expense and Equipment. . . . .	<u>3,597</u>
From State Fair Fee Fund (0410). . . . .	37,095

Personal Service. . . . .	199,293
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
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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 shall be expended, in writing, prior to the use of said funds

Expense and Equipment	
From Department of Agriculture Federal Fund (0133). . . . .	<u>284,883</u>

Total (Not to exceed 20.75 F.T.E.) . . . . .	\$5,106,684
<b>SECTION 6.010.</b> — 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
<b>SECTION 6.015.</b> — 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
<b>SECTION 6.020.</b> — 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, provided not more than three percent (3%) flexibility is allowed from this section to section 6.150	
From General Revenue Fund (0101). . . . .	\$4,573,778
<b>SECTION 6.025.</b> — To the Department of Agriculture	
For Missouri Biodiesel Producer Incentive Payments	
From Missouri Qualified Biodiesel Producer Incentive Fund (0777). . . . .	\$4,573,778
<b>SECTION 6.030.</b> — 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. . . . .	176,735
From Agriculture Business Development Fund (0683). . . . .	195,025
Personal Service. . . . .	1,256,616
Expense and Equipment. . . . .	417,890
From Agriculture Protection Fund (0970). . . . .	1,674,506
Personal Service. . . . .	62,205
Expense and Equipment. . . . .	193,210
From Department of Agriculture Federal Fund (0133). . . . .	255,415
Expense and Equipment	
From AgriMissouri Fund (0897). . . . .	40,000
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 projects that promote agriculture in urban/suburban communities	
From Agriculture Protection Fund (0970). . . . .	50,000



For Delta Regional Authority Organizational Dues  
From Agriculture Protection Fund (0970) . . . . . 150,644

For the Abattoir Program  
From General Revenue Fund (0101) . . . . . 10,000  
Total (Not to exceed 29.51 F.T.E.) . . . . . \$2,661,228

**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) . . . . . 118,671

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.) . . . . . \$218,671

**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,  
provided not more than three percent (3%) flexibility is allowed from this  
section to Section 6.150  
From General Revenue Fund (0101) . . . . . \$700,000

**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) . . . . . \$700,000

**SECTION 6.095.**— To the Department of Agriculture  
For the Division of Animal Health, provided not more than three percent  
(3%) flexibility is allowed from this section to Section 6.150  
Personal Service . . . . . \$2,629,803

Expense and Equipment.....	907,293
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.....	917,050
From Animal Health Laboratory Fee Fund (0292).....	1,024,527
Personal Service.....	464,868
Expense and Equipment.....	189,956
From Animal Care Reserve Fund (0295).....	654,824
Personal Service.....	807,745
Expense and Equipment.....	566,383
From Department of Agriculture Federal Fund (0133).....	1,374,128
Personal Service	
From Livestock Brands Fund (0299).....	111
Expense and Equipment	
From Agriculture Protection Fund (0970).....	2,462
Expense and Equipment	
From Puppy Protection Trust Fund (0985).....	1,000
Expense and Equipment	
From Large Carnivore Fund (0988).....	5,000
To support local efforts to spay and neuter cats and dogs	
From Missouri Pet Spay/Neuter Fund (0747).....	50,000
To support the Livestock Brands Program	
From Livestock Brands Fund (0299).....	30,698
For expenses incurred in regulating Missouri livestock markets	
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 84.42 F.T.E.).....	\$6,844,536

**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  
 and not more than three percent (3%) flexibility is allowed from this section  
 to Section 6.150

Personal Service . . . . . \$707,473  
 Expense and Equipment . . . . . 85,928  
 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 . . . . . 15,651  
 From Commodity Council Merchandising Fund (0406) . . . . . 95,732

Personal Service . . . . . 2,009,013  
 Expense and Equipment . . . . . 832,429  
 From Grain Inspection Fee Fund (0647) . . . . . 2,841,442

Personal Service . . . . . 36,337  
 Expense and Equipment . . . . . 36,211  
 From Department of Agriculture Federal Fund (0133) . . . . . 72,548

Expense and Equipment  
 From Agriculture Protection Fund (0970) . . . . . 44,170  
 Total (Not to exceed 82.75 F.T.E.) . . . . . \$3,847,293

**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 . . . . . \$133,000

**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 . . . . . \$914,343  
 Expense and Equipment . . . . . 1,070,986  
 From Department of Agriculture Federal Fund (0133) . . . . . 1,985,329

Personal Service . . . . . 1,922,650

Expense and Equipment . . . . .	1,066,924
From Agriculture Protection Fund (0970) . . . . .	<u>2,989,574</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 . . . . .	<u>71,388</u>
From Department of Agriculture Federal Fund (0133) . . . . .	102,339

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

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 . . . . .	<u>24,657</u>
From Boll Weevil Suppression and Eradication Fund (0823) . . . . .	65,330
Total (Not to exceed 75.46 F.T.E.) . . . . .	<u>\$5,334,459</u>

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 6.150

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>179,271</u>
From Agriculture Protection Fund (0970) . . . . .	714,469

Personal Service . . . . .	1,600,039
Expense and Equipment . . . . .	<u>1,607,565</u>
From Petroleum Inspection Fund (0662) . . . . .	3,207,604
Total (Not to exceed 68.11 F.T.E.) . . . . .	<u>\$4,559,326</u>

**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.....	206,830
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).....	90,000
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.....	2,599,740
From State Fair Fee Fund (0410).....	3,959,819

Personal Service From Agriculture Protection Fund (0970).....	531,420
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.....	\$84,150

**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

**SECTION 6.145.**— To the Department of Agriculture

For the State Milk Board, provided five percent (5%) flexibility is allowed between personal service and expense and equipment and not more than three percent (3%) flexibility is allowed from this section to Section 6.150

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

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 9.93 F.T.E.)..... \$1,509,869

**SECTION 6.150.**— To the Department of Agriculture  
Funds are to be transferred out of the State Treasury, for the payment of  
claims, premiums, and expenses as provided by Section 105.711 through  
105.726, RSMo, to the State Legal Expense Fund  
From General Revenue Fund (0101)..... \$1

**SECTION 6.200.**— To the Department of Natural Resources  
For department operations, administration, and support, provided not more than  
three percent (3%) flexibility is allowed from this section to Section 6.345  
Personal Service..... \$199,992  
Expense and Equipment..... 109,485  
From General Revenue Fund (0101)..... 309,477

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..... 507,217  
Expense and Equipment..... 313,142  
From Department of Natural Resources Federal Fund (0140)..... 820,359

Personal Service..... 3,255,094  
Expense and Equipment..... 632,889  
From DNR Cost Allocation Fund (0500)..... 3,887,983

Personal Service..... 42,732  
Expense and Equipment..... 5,129  
From Department of Natural Resources Revolving Services Fund (0425)..... 47,861

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 82.69 F.T.E.)..... \$5,592,680

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 6.345	
Personal Service . . . . .	\$3,760,814
Expense and Equipment . . . . .	<u>672,267</u>
From General Revenue Fund (0101) . . . . .	4,433,081
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 . . . . .	12,813,915
Expense and Equipment . . . . .	<u>4,266,962</u>
From Department of Natural Resources Federal Fund (0140) . . . . .	17,080,877
Personal Service . . . . .	1,284,353
Expense and Equipment . . . . .	<u>312,037</u>
From DNR Cost Allocation Fund (0500) . . . . .	1,596,390
Personal Service . . . . .	70,430
Expense and Equipment . . . . .	<u>5,045</u>
From Dry-cleaning Environmental Response Trust Fund (0898) . . . . .	75,475
Personal Service . . . . .	61,411
Expense and Equipment . . . . .	<u>180,502</u>
From Environmental Radiation Monitoring Fund (0656) . . . . .	241,913
Personal Service . . . . .	1,878,063
Expense and Equipment . . . . .	<u>229,424</u>
From Hazardous Waste Fund (0676) . . . . .	2,107,487
Personal Service . . . . .	1,053,292
Expense and Equipment . . . . .	<u>488,475</u>
From Missouri Air Emission Reduction Fund (0267) . . . . .	1,541,767
Personal Service . . . . .	367,436
Expense and Equipment . . . . .	<u>121,829</u>
From Natural Resources Protection Fund (0555) . . . . .	489,265
Personal Service . . . . .	284,694
Expense and Equipment . . . . .	<u>53,691</u>
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) . . . . .	338,385
Personal Service . . . . .	3,961,700
Expense and Equipment . . . . .	<u>1,168,195</u>
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) . . . . .	5,129,895
Personal Service . . . . .	4,259,124
Expense and Equipment . . . . .	<u>962,040</u>



From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	5,221,164
Personal Service .....	2,073,101
Expense and Equipment.....	951,777
From Safe Drinking Water Fund (0679) .....	3,024,878
Personal Service .....	1,401,934
Expense and Equipment.....	649,418
From Soil and Water Sales Tax Fund (0614) .....	2,051,352
Personal Service .....	1,970,500
Expense and Equipment.....	594,776
From Solid Waste Management Fund (0570) .....	2,565,276
Personal Service .....	511,316
Expense and Equipment.....	122,249
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) .....	633,565
Personal Service .....	102,770
Expense and Equipment.....	46,166
From Underground Storage Tank Regulation Program Fund (0586) .....	148,936
Personal Service .....	758,756
Expense and Equipment.....	81,676
From Water and Wastewater Loan Fund (0649) .....	840,432
For funding environmental education and studies, demonstration projects, and technical assistance grants, provided twenty-five percent (25%) flexibility is allowed between funds	
From Department of Natural Resources Federal Fund (0140) .....	999,812
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	750,000
For water infrastructure grants and loans, provided \$333,529,824 be used solely to encumber funds for future fiscal year expenditures and 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).....	14,239,999
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) . . . . .	6,300,000
For drinking water sampling, analysis, and public drinking water quality and treatment studies From Safe Drinking Water Fund (0679) . . . . .	599,852
For closure of concentrated animal feeding operations From Concentrated Animal Feeding Operation Indemnity Fund (0834) . . . . .	60,000
For 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). . . . .	55,730,570
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) . . . . .	2,073,940
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 . . . . .	20,000
Expense and Equipment. . . . .	<u>80,000</u>
From General Revenue Fund (0101) . . . . .	100,000

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

Personal Service . . . . .	102
Expense and Equipment. . . . .	<u>423,973</u>
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). . . . .	<u>150,000</u>
Total (Not to exceed 796.10 F.T.E.). . . . .	\$843,817,448

**SECTION 6.226.** — To the Department of Natural Resources  
For the Missouri Contaminated Home Acquisition Program pursuant to Sections 260.850 to 260.865 RSMo.

From General Revenue Fund (0101). . . . .	\$1,000,000
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**SECTION 6.230.** — To the Department of Natural Resources  
For petroleum related activities and environmental emergency response

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

**SECTION 6.260.** — To the Department of Natural Resources  
For the Missouri Geological Survey, provided not more than three percent (3%) flexibility is allowed from this section to Section 6.345

Personal Service. . . . .	\$2,295,952
Expense and Equipment. . . . .	<u>571,003</u>
From General Revenue Fund (0101) . . . . .	2,866,955

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. . . . .	<u>772,372</u>
From Department of Natural Resources Federal Fund (0140) . . . . .	2,568,913

Personal Service

From Department of Natural Resources Revolving Services Fund (0425) . . . . .	16,377
Personal Service . . . . .	533,827
Expense and Equipment . . . . .	97,405
From Groundwater Protection Fund (0660) . . . . .	631,232
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) . . . . .	141,449
Personal Service . . . . .	155,414
Expense and Equipment . . . . .	31,010
From Hazardous Waste Fund (0676) . . . . .	186,424
Expense and Equipment	
From Rural Water and Sewer Loan Revolving Fund (0755) . . . . .	366,150
Personal Service . . . . .	7,762
Expense and Equipment . . . . .	1,384
From Dry-cleaning Environmental Response Trust Fund (0898) . . . . .	9,146
Personal Service . . . . .	16,748
Expense and Equipment . . . . .	4,105
From DNR Cost Allocation Fund (0500) . . . . .	20,853
Personal Service . . . . .	118,305
Expense and Equipment . . . . .	18,270
From Geologic Resources Fund (0801) . . . . .	136,575
Personal Service . . . . .	51,539
Expense and Equipment . . . . .	13,761
From Metallic Minerals Waste Management Fund (0575) . . . . .	65,300
Personal Service . . . . .	456,824
Expense and Equipment . . . . .	211,776
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 . . . . .	7,625
From Oil and Gas Remedial Fund (0699) . . . . .	15,069

Personal Service . . . . .	86,010
Expense and Equipment. . . . .	<u>12,006</u>
From Oil and Gas Resources Fund (0543) . . . . .	98,016
Personal Service . . . . .	10,200
Expense and Equipment. . . . .	<u>2,000</u>
From Natural Resources Protection Fund (0555). . . . .	12,200
For the Multipurpose Water Resources Program	
From Multipurpose Water Resource Program Fund (0815) . . . . .	1
From General Revenue Fund (0101) . . . . .	750,000
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). . . . .	<u>150,000</u>
Total (Not to exceed 117.17 F.T.E.). . . . .	<u>\$13,897,663</u>
<b>SECTION 6.265.</b> — 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
<b>SECTION 6.270.</b> — 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
<b>SECTION 6.280.</b> — 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, provided five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service. . . . .	\$127,550
Expense and Equipment. . . . .	<u>2,095,354</u>
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.) . . . . .	<u>\$22,292,904</u>

**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 . . . . .	<u>31,306</u>
From Department of Natural Resources Federal Fund (0140) . . . . .	208,987

Personal Service . . . . .	1,188,337
Expense and Equipment . . . . .	<u>2,530,407</u>
From State Park Earnings Fund (0415) . . . . .	3,718,744

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

Personal Service . . . . .	20,533,898
Expense and Equipment . . . . .	<u>10,831,615</u>
From Parks Sales Tax Fund (0613) . . . . .	31,365,513

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
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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
Total (Not to exceed 661.21 F.T.E.) . . . . .	<u>\$51,882,835</u>

**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 . . . . .	50,026
From Department of Natural Resources Federal Fund (0140) . . . . .	457,347
Personal Service . . . . .	202,932
Expense and Equipment . . . . .	31,314
From Historic Preservation Revolving Fund (0430) . . . . .	234,246
Personal Service . . . . .	102,955
Expense and Equipment . . . . .	10,853
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
From Historic Preservation Revolving Fund (0430) . . . . .	2,017,243
Total (Not to exceed 17.25 F.T.E.) . . . . .	\$3,422,644
<b>SECTION 6.295.</b> — 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, provided not more than three percent (3%) flexibility is allowed from this section to Section 6.345	
From General Revenue Fund (0101) . . . . .	\$720,000
<b>SECTION 6.305.</b> — 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
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) . . . . .	100,000
Total . . . . .	\$6,157,917
<b>SECTION 6.310.</b> — To the Department of Natural Resources	
Expense and Equipment	
From Department of Natural Resources Revolving Services Fund (0425) . . . . .	\$2,921,745
<b>SECTION 6.315.</b> — 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) . . . . .	10,000
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 13 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) . . . . .	\$305,345
From State Park Earnings Fund (0415) . . . . .	385,109
From Historic Preservation Revolving Fund (0430) . . . . .	27,514
From Natural Resources Protection Fund (0555) . . . . .	77,546



From Oil and Gas Resources Fund (0543) . . . . .	13,313
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).. . . . .	1,007,067
From Solid Waste Management Fund - Scrap Tire Subaccount (0569). . . . .	134,526
From Solid Waste Management Fund (0570). . . . .	549,813
From Metallic Minerals Waste Management Fund (0575). . . . .	10,209
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).. . . . .	43,178
From Petroleum Storage Tank Insurance Fund (0585). . . . .	164,747
From Underground Storage Tank Regulation Program Fund (0586). . . . .	29,849
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).. . . . .	1,096,795
From Parks Sales Tax Fund (0613) . . . . .	3,381,812
From Soil and Water Sales Tax Fund (0614). . . . .	447,868
From Water and Wastewater Loan Fund (0649) . . . . .	229,837
From Environmental Radiation Monitoring Fund (0656). . . . .	12,031
From Groundwater Protection Fund (0660).. . . . .	81,622
From Hazardous Waste Fund (0676) . . . . .	481,817
From Safe Drinking Water Fund (0679) . . . . .	571,815
From Geologic Resources Fund (0801). . . . .	18,481
From Dry-cleaning Environmental Response Trust Fund (0898) . . . . .	20,190
From Mined Land Reclamation Fund (0906). . . . .	84,895
Total DNR Cost Allocation Transfer . . . . .	<u>9,175,379</u>

For Cost Allocation HB 13 Transfer, provided twenty-five percent (25%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267) . . . . .	5,735
From State Park Earnings Fund (0415) . . . . .	6,471
From Historic Preservation Revolving Fund (0430) . . . . .	463
From Oil and Gas Resources Fund (0543) . . . . .	111
From Natural Resources Protection Fund (0555).. . . . .	1,439
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).. . . . .	18,885
From Solid Waste Management Fund - Scrap Tire Subaccount (0569). . . . .	2,526
From Solid Waste Management Fund (0570). . . . .	10,121
From Metallic Minerals Waste Management Fund (0575). . . . .	85
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).. . . . .	811
From Petroleum Storage Tank Insurance Fund (0585). . . . .	2,966
From Underground Storage Tank Regulation Program Fund (0586) . . . . .	560
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).. . . . .	20,597
From Parks Sales Tax Fund (0613) . . . . .	56,831
From Soil and Water Sales Tax Fund (0614). . . . .	8,411
From Environmental Radiation Monitoring Fund (0656). . . . .	226
From Groundwater Protection Fund (0660).. . . . .	682
From Water and Wastewater Loan Fund (0649) . . . . .	4,316
From Hazardous Waste Fund (0676) . . . . .	8,788
From Safe Drinking Water Fund (0679) . . . . .	10,738
From Geologic Resources Fund (0801). . . . .	154
From Dry-cleaning Environmental Response Trust Fund (0898) . . . . .	350
From Mined Land Reclamation Fund (0906). . . . .	<u>709</u>

Total Cost Allocation HB 13 Transfer . . . . .	161,975
For Cost Allocation Information Technology Services Division Transfer, provided five percent (5%) flexibility is allowed between funds	
From Missouri Air Emission Reduction Fund (0267) . . . . .	199,740
From State Park Earnings Fund (0415) . . . . .	192,554
From Historic Preservation Revolving Fund (0430) . . . . .	13,758
From Natural Resources Protection Fund (0555) . . . . .	52,116
From Oil and Gas Resources Fund (0543) . . . . .	20,225
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) . . . . .	660,971
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) . . . . .	88,000
From Solid Waste Management Fund (0570) . . . . .	376,590
From Metallic Minerals Waste Management Fund (0575) . . . . .	15,508
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) . . . . .	28,245
From Petroleum Storage Tank Insurance Fund (0585) . . . . .	119,595
From Underground Storage Tank Regulation Program Fund (0586) . . . . .	19,526
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) . . . . .	717,469
From Parks Sales Tax Fund (0613) . . . . .	1,690,904
From Soil and Water Sales Tax Fund (0614) . . . . .	525,946
From Water and Wastewater Loan Fund (0649) . . . . .	150,348
From Environmental Radiation Monitoring Fund (0656) . . . . .	7,869
From Hazardous Waste Fund (0676) . . . . .	336,762
From Safe Drinking Water Fund (0679) . . . . .	374,054
From Geologic Resources Fund (0801) . . . . .	28,075
From Dry-cleaning Environmental Response Trust Fund (0898) . . . . .	15,657
Total Cost Allocation Information Technology Services Division Transfer . . .	<u>5,633,912</u>
Total . . . . .	\$14,971,266

**SECTION 6.335.**— To the Department of Natural Resources

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

Personal Service . . . . . \$496,260

Expense and Equipment . . . . . 2,163,001

From State Environmental Improvement Authority Fund (0654)

(Not to exceed 8.00 F.T.E.) . . . . . \$2,659,261

\*I hereby veto \$2,659,260 for the State Environmental Improvement Authority Fund (SEIA). Section 6.340 brings the operations of the Environmental Improvement and Energy Resources Authority (EIERA) onto the state budget. Section 260.035, RSMo, grants the EIERA, not the legislative branch, broad and specific powers to carry out the statutory duties assigned to the Authority. In addition, a majority of the resources in the SEIA Fund are the proceeds from EIERA bond sales, for which the state has no liability (Section 260.065, RSMo), and should not be considered state resources located in the state treasury. The Supreme Court of Missouri has

already rejected the claim that revenues collected by the Authority are to be deposited in the state treasury and appropriated therefrom. *State ex inf. Danforth v. State Envtl. Improvement Auth.*, 518 S.W.2d 68 (Mo. banc 1975).

Personal Service by \$496,260 from \$496,260 to \$0.  
Expense and Equipment by \$2,163,000 from \$2,163,001 to \$1.  
From \$2,659,261 to \$1 in total from State Environmental Improvement Authority Fund.  
From \$2,659,261 to \$1 in total for the section.

**ERIC R. GREITENS, GOVERNOR**

**SECTION 6.345.** — To the Department of Natural Resources  
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund  
From General Revenue Fund (0101). . . . . \$1

**SECTION 6.600.** — To the Department of Conservation  
For the Office of Director, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions  
Personal Service. . . . . \$4,845,687  
Expense and Equipment. . . . . 12,561,662  
From Conservation Commission Fund (0609) (Not to exceed 86.72 F.T.E.).. \$17,407,349

**SECTION 6.605.** — To the Department of Conservation  
For the Administrative Services Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions  
Personal Service. . . . . \$4,519,726  
Expense and Equipment. . . . . 20,069,899  
From Conservation Commission Fund (0609) (Not to exceed 125.77 F.T.E.).. \$24,589,625

**SECTION 6.610.** — To the Department of Conservation  
For the Design and Development Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions  
Personal Service. . . . . \$7,741,845  
Expense and Equipment. . . . . 2,742,911  
From Conservation Commission Fund (0609) (Not to exceed 183.32 F.T.E.).. \$10,484,756

**SECTION 6.615.** — To the Department of Conservation  
For the Fisheries Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions  
Personal Service. . . . . \$7,334,766  
Expense and Equipment. . . . . 3,980,035  
From Conservation Commission Fund (0609) (Not to exceed 192.55 F.T.E.).. \$11,314,801

**SECTION 6.620.** — To the Department of Conservation  
For the Forestry Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions  
Personal Service. . . . . \$9,327,752  
Expense and Equipment. . . . . 5,911,605

From Conservation Commission Fund (0609) (Not to exceed 264.26 F.T.E.) . . \$15,239,357

**SECTION 6.625.**— To the Department of Conservation

For the Human Resources Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service . . . . . \$14,151,699  
Expense and Equipment . . . . . 1,050,158

From Conservation Commission Fund (0609) (Not to exceed 31.67 F.T.E.) . . \$15,201,857

**SECTION 6.630.**— To the Department of Conservation

For the Outreach and Education Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service . . . . . \$7,554,636  
Expense and Equipment . . . . . 6,767,203

From Conservation Commission Fund (0609) (Not to exceed 196.74 F.T.E.) . . \$14,321,839

**SECTION 6.635.**— To the Department of Conservation

For the Private Land Services Division, provided thirty-five percent (35%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service . . . . . \$3,809,130  
Expense and Equipment . . . . . 4,327,177

From Conservation Commission Fund (0609) (Not to exceed 85.20 F.T.E.) . . . \$8,136,307

**SECTION 6.640.**— To the Department of Conservation

For the Protection Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service . . . . . \$10,716,596  
Expense and Equipment . . . . . 1,522,728

From Conservation Commission Fund (0609) (Not to exceed 222.94 F.T.E.) . . \$12,239,324

**SECTION 6.645.**— To the Department of Conservation

For the Resource Science Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service . . . . . \$5,686,852  
Expense and Equipment . . . . . 2,589,337

From Conservation Commission Fund (0609) (Not to exceed 150.09 F.T.E.) . . \$8,276,189

**SECTION 6.650.**— To the Department of Conservation

For the Wildlife Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service . . . . . \$9,488,615  
Expense and Equipment . . . . . 7,859,848

From Conservation Commission Fund (0609) (Not to exceed 273.55 F.T.E.) . . \$17,348,463

**Department of Agriculture Totals**

General Revenue Fund . . . . . \$10,305,040  
Federal Funds . . . . . 7,981,633

Other Funds.....	25,687,616
Total.....	<u>\$43,974,289</u>

**Department of Natural Resources Totals**

General Revenue Fund.....	\$12,730,552
Federal Funds.....	48,023,808
Other Funds.....	523,231,592
Total.....	<u>\$583,985,952</u>

**Department of Conservation Totals**

Total - Other Funds.....	\$154,559,867
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Approved June 30, 2017

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**HB 7 [CCS SCS HCS HB 7 ]**

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

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2017 and ending June 30, 2018.

*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, 2017 and ending June 30, 2018 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, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180

Personal Service.....	\$406,715
Expense and Equipment.....	<u>49,309</u>
From General Revenue Fund (0101).....	456,024

Personal Service.....	48,846
Expense and Equipment.....	<u>1,777</u>
From Department of Economic Development- Community Development Block Grant (Administration) Fund (0123).....	50,623

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Personal Service.....	1,065,322
Expense and Equipment.....	420,691
From Job and Development Training Fund (0155).....	<u>1,486,013</u>

Personal Service.....	788,822
Expense and Equipment.....	347,173
For refunds.....	12,000
From Department of Economic Development Administrative Fund (0547).....	<u>1,147,995</u>
Total (Not to exceed 31.54 F.T.E.).....	<u>\$3,140,655</u>

**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, and further provided that not  
more than three percent (3%) flexibility is allowed from this section to  
Section 7.180

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, and further provided  
that not more than three percent (3%) flexibility is allowed from this section  
to Section 7.180

Personal Service.....	178,739
Expense and Equipment.....	1,338,651
From Economic Development Advancement Fund (0783).....	<u>1,517,390</u>

Personal Service

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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  
Expense and Equipment

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, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180  
Personal Service. . . . . 1,262,415  
Expense and Equipment. . . . . 132,020  
From Economic Development Advancement Fund (0783). . . . . 1,394,435

Personal Service  
From Department of Economic Development Administrative Fund (0547) . . . . . 7,088

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, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180  
Personal Service  
From General Revenue Fund (0101) . . . . . 631,527  
  
Personal Service. . . . . 44,352  
Expense and Equipment. . . . . 3,890  
From State Supplemental Downtown Development Fund (0766) . . . . . 48,242

Personal Service. . . . . 225,857  
Expense and Equipment. . . . . 112,318  
From Economic Development Advancement Fund (0783). . . . . 338,175

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). . . . . 10,000

For International Trade and Investment Offices, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180  
From Economic Development Advancement Fund (0783). . . . . 1,500,000  
Total (Not to exceed 79.21 F.T.E.). . . . . \$8,911,952

**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 and advocacy

of the continued presence and expansion of military installations in the state, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180

Personal Service.....	\$161,880
Expense and Equipment.....	440,120
From General Revenue Fund (0101) (Not to exceed 1.50 F.T.E.).....	<u>\$602,000</u>

**SECTION 7.025.** — 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 From Missouri Technology Investment Fund (0172).....	\$3,500,000
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**SECTION 7.030.** — 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).....	\$2,500,000
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**SECTION 7.035.** — To the Department of Economic Development  
For the Division of Business and Community Services  
For the Community Development Block Grant Program  
For administration, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180

Personal Service.....	\$169,992
Expense and Equipment.....	176,341
From General Revenue Fund (0101).....	<u>346,333</u>

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

For projects awarded before July 1, 2017 Expense and Equipment.....	35,000,000
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For projects awarded on or after July 1, 2017, provided that no funds shall be expended at higher education institutions not headquartered in Missouri for purposes of accreditation Expense and Equipment.....	<u>5,000,000</u>
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From Department of Economic Development - Community Development Block Grant (Pass-through) Fund (0118).....	40,000,000
Total (Not to exceed 16.24 F.T.E.).....	<u>\$41,403,550</u>

**SECTION 7.040.** — To the Department of Economic Development  
For the State Small Business Credit Initiative

From Department of Economic Development Education Programs Federal Fund (0129).....	\$6,000,000
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**SECTION 7.045.** — To the Department of Economic Development  
 For the Division of Business and Community Services  
 For the Missouri Main Street Program  
 From General Revenue Fund (0101). . . . . \$157,386  
 From Economic Development Advancement Fund (0783). . . . . 42,614  
 Total. . . . . \$200,000

**SECTION 7.050.** — To the Department of Economic Development  
 For Missouri supplemental tax increment financing as provided in Section  
 99.845, RSMo. This appropriation may be used for the following  
 projects: Kansas City Midtown, Independence Santa Fe Trail  
 Neighborhood, St. Louis City Convention Hotel, Springfield Jordan  
 Valley Park, Kansas City Bannister Mall/Three Trails Office, St. Louis  
 Lambert Airport Eastern Perimeter, Old Post Office in Kansas City,  
 1200 Main Garage Project in Kansas City, Riverside Levee, Branson  
 Landing, Eastern Jackson County Bass Pro, Kansas City East Village  
 Project, St. Louis Innovation District, National Geospatial Agency West  
 and Fenton Logistics Park. The presence of a project in this list is not an  
 indication said project is nor shall be approved for tax increment financing.  
 A listed project must have completed the application process and a  
 certificate of approval must have been issued pursuant to Section  
 99.845 (10), RSMo, before a project may be disbursed funds subject  
 to the appropriation  
 From Missouri Supplemental Tax Increment Financing Fund (0848). . . . . \$30,103,350

**SECTION 7.055.** — 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, provided that not more than three percent (3%)  
 flexibility is allowed from this section to Section 7.180  
 From General Revenue Fund (0101). . . . . \$30,103,350

**SECTION 7.060.** — 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). . . . . \$1,729,133

**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, such amounts generated by development projects,  
 as required by Section 99.963, RSMo, to the State Supplemental  
 Downtown Development Fund, provided that not more than three  
 percent (3%) flexibility is allowed from this section to Section 7.180  
 From General Revenue Fund (0101). . . . . \$1,775,575

**SECTION 7.070.** — 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 7.075.** — 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 redevelopment projects, as required by Section 99.1092, RSMo, to the Downtown Revitalization Preservation Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180  
 From General Revenue Fund (0101)..... \$200,000

**SECTION 7.080.**— To the Department of Economic Development  
 For the Division of Business and Community Services  
 For the Missouri Community Service Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180  
 Personal Service  
 From General Revenue Fund (0101)..... \$35,211

Personal Service..... 199,780  
 Expense and Equipment..... 3,750,000  
 From Community Service Commission Fund (0197)..... 3,949,780  
 Total (Not to exceed 5.00 F.T.E.)..... \$3,984,991

**SECTION 7.085.**— To the Department of Economic Development  
 For the Missouri State Council on the Arts  
 Personal Service..... \$352,043  
 Expense and Equipment..... 632,514  
 From Department of Economic Development - Missouri Council on the Arts - Federal Fund (0138)..... 984,557

Personal Service..... 566,157  
 Expense and Equipment..... 4,433,843  
 From Missouri Arts Council Trust Fund (0262)..... 5,000,000

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 Jazz and Heritage Festival located within a home rule city with more than four hundred thousand inhabitants and located in more than one county. . . . 50,000  
 From Missouri Humanities Council Trust Fund (0177)..... 1,610,000  
 Total (Not to exceed 15.00 F.T.E.)..... \$8,604,557

**SECTION 7.090.**— 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180  
 From General Revenue Fund (0101)..... \$4,800,000

**SECTION 7.095.** — 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, provided that not  
 more than three percent (3%) flexibility is allowed from this section to  
 Section 7.180  
 From General Revenue Fund (0101). . . . . \$1,050,000

**SECTION 7.100.** — 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, provided that not more than three percent (3%) flexibility  
 is allowed from this section to Section 7.180  
 From General Revenue Fund (0101). . . . . \$800,000

**SECTION 7.105.** — To the Department of Economic Development  
 For the Division of Workforce Development, provided that not more than  
 three percent (3%) flexibility is allowed from this section to Section 7.180  
 For general administration of Workforce Development activities  
 Personal Service. . . . . \$15,894,924  
 Expense and Equipment. . . . . 3,018,529  
 From Job Development Training Fund (0155). . . . . 18,913,453  
  
 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  
 Total (Not to exceed 421.72 F.T.E.) . . . . . \$19,888,111

**SECTION 7.110.** — To the Department of Economic Development, provided that  
 not more than three percent (3%) flexibility is allowed from this section to  
 Section 7.180  
 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 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 Training Fund (0155). . . . . 60,000,000

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 . . . . .	\$77,200,000
<b>SECTION 7.115.</b> — 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
<b>SECTION 7.120.</b> — 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180	
From General Revenue Fund (0101). . . . .	\$5,300,000
<b>SECTION 7.125.</b> — 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
<b>SECTION 7.130.</b> — 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
<b>SECTION 7.135.</b> — To the Department of Economic Development For the Missouri Women's Council	
Personal Service. . . . .	\$58,484
Expense and Equipment. . . . .	<u>12,765</u>
From Job Development and Training Fund (0155)	
Total (Not to exceed 1.00 F.T.E.). . . . .	\$71,249
<b>SECTION 7.140.</b> — 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. . . . .	<u>19,288,512</u>
From Division of Tourism Supplemental Revenue Fund (0274). . . . .	21,000,000
Expense and Equipment	
From Tourism Marketing Fund (0650). . . . .	<u>24,500</u>
Total (Not to exceed 39.00 F.T.E.). . . . .	\$21,124,615
<b>SECTION 7.145.</b> — 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180	
From General Revenue Fund (0101). . . . .	\$20,948,443

<b>SECTION 7.150.</b> — To the Department of Economic Development	
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>104,580</u>
From Energy Set-Aside Program Fund (0667) . . . . .	574,318
Personal Service	
From Biodiesel Fuel Revolving Fund (0730).. . . . .	3,663
Personal Service. . . . .	312,797
Expense and Equipment. . . . .	<u>32,050</u>
From Energy Futures Fund (0935).. . . . .	344,847
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
For the purpose of funding the promotion of energy, renewable energy, and energy efficiency	
From Utilicare Stabilization Fund (0134) . . . . .	100
For the purpose of funding the promotion of energy, renewable energy, and energy efficiency, provided that \$20,000,000 be used solely to encumber funds for future fiscal year expenditures	
From Energy Federal Fund (0866). . . . .	12,100,800
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 the Wood Energy Tax Credit Program	
For the redemption of tax credits issued on or after July 1, 2017, under Sections 135.300 through 135.311, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180. . . . .	
	1,000,000
For the Alternative Fuel Infrastructure Tax Credit Program	
For the redemption of tax credits issued on or after July 1, 2017, under Section 135.710, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.180. . . . .	
	<u>50,000</u>
From General Revenue Fund (0101). . . . .	<u>1,050,000</u>
Total (Not to exceed 37.00 F.T.E.) . . . . .	\$43,068,099

**SECTION 7.155.**— 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 7.160.**— 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). . . . . 192,000  
 Total (Not to exceed 8.00 F.T.E.). . . . . \$935,214

**SECTION 7.165.**— 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 7.170.**— To the Department of Economic Development

For the Office of the Public Counsel  
     Personal Service and/or Expense and Equipment, 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) (Not to exceed 16.00 F.T.E.). . . \$1,165,424

**SECTION 7.175.**— 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 7.180.**— To the Department of Economic Development

Funds are to be transferred out of the State Treasury, for the payment of  
 claims, premiums, and expenses as provided by Section 105.711 through  
 105.726, RSMo, to the State Legal Expense Fund  
 From General Revenue Fund (0101).. . . . . \$1

**SECTION 7.400.**— To the Department of Insurance, Financial Institutions  
 and Professional Registration

For Administrative Services	
Personal Service. . . . .	\$129,658
Expense and Equipment. . . . .	<u>37,826</u>

From Department of Insurance, Financial Institutions and Professional Registration Administrative Fund (0503)	
Total (Not to exceed 4.57 F.T.E.). . . . .	\$167,484

**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). . . . .	<u>200,000</u>
Total. . . . .	\$400,000

**SECTION 7.410.** — To the Department of Insurance, Financial Institutions  
and Professional Registration

For Insurance Operations	
Personal Service. . . . .	\$8,727,316
Expense and Equipment. . . . .	<u>2,038,207</u>
From Insurance Dedicated Fund (0566) . . . . .	10,765,523

For consumer restitution payments	
From Consumer Restitution Fund (0792). . . . .	<u>5,000</u>
Total (Not to exceed 176.56 F.T.E.). . . . .	\$10,770,523

**SECTION 7.415.** — To the Department of Insurance, Financial Institutions  
and Professional Registration

For market conduct and financial examinations of insurance companies	
Personal Service. . . . .	\$3,446,590
Expense and Equipment. . . . .	<u>770,967</u>
From Insurance Examiners Fund (0552) (Not to exceed 43.30 F.T.E.). . . . .	\$4,217,557

**SECTION 7.420.** — 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. . . . .	\$135,000

**SECTION 7.425.** — 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. . . . .	\$1,450,000

**SECTION 7.430.**— To the Department of Insurance, Financial Institutions and Professional Registration  
For the Division of Credit Unions

Personal Service. . . . .	\$1,177,380
Expense and Equipment. . . . .	143,755
From Division of Credit Unions Fund (0548) (Not to exceed 15.50 F.T.E.). . . . .	<u>\$1,321,135</u>

**SECTION 7.435.**— To the Department of Insurance, Financial Institutions and Professional Registration  
For the Division of Finance

Personal Service. . . . .	\$8,117,376
Expense and Equipment . . . . .	779,726
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>\$9,045,352</u>

**SECTION 7.440.**— 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 7.445.**— 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 7.450.**— 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 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 7.455.**— To the Department of Insurance, Financial Institutions and Professional Registration  
For general administration of the Division of Professional Registration

Personal Service. . . . .	\$3,468,931
Expense and Equipment . . . . .	1,037,295
For examination and other fees . . . . .	252,000
For refunds. . . . .	125,000
From Professional Registration Fees Fund (0689) (Not to exceed 84.00 F.T.E.). . . . .	<u>\$4,883,226</u>

**SECTION 7.460.**— To the Department of Insurance, Financial Institutions and Professional Registration  
For the State Board of Accountancy

Personal Service. . . . .	\$295,268
Expense and Equipment. . . . .	<u>246,991</u>



From State Board of Accountancy Fund (0627) (Not to Exceed 7.00 F.T.E.) . . . . .	\$542,259
<b>SECTION 7.465.</b> — To the Department of Insurance, Financial Institutions and Professional Registration	
For the State Board for 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
<b>SECTION 7.470.</b> — 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
<b>SECTION 7.475.</b> — 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
<b>SECTION 7.480.</b> — 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
<b>SECTION 7.485.</b> — 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
<b>SECTION 7.490.</b> — 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
<b>SECTION 7.495.</b> — 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). . . . .	1,845,989

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
Total (Not to exceed 28.00 F.T.E.).....	<u>\$3,845,989</u>

**SECTION 7.500.**— 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 7.505.**— 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 7.510.**— 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 7.515.**— 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 7.520.**— 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 7.525.**— 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 7.530.**— To the Department of Insurance, Financial Institutions and Professional Registration

Funds are to be transferred, for payment of operating expenses, to the Professional Registration Fees Fund

From Professional Registration Board Funds (various) . . . . . \$8,829,032

**SECTION 7.535.**— 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 Professional Registration Board Funds (various) . . . . . \$200,000

**SECTION 7.540.**— 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 . . . . . 2,616,411

Expense and Equipment . . . . . 1,408,167

From Department of Labor and Industrial Relations Administrative Fund

(0122) . . . . . 4,024,578

Total (Not to exceed 49.15 F.T.E) . . . . . \$5,474,578

**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,  
provided that not more than three percent (3%) flexibility is allowed  
from this section to Section 7.910

From General Revenue Fund (0101) . . . . . \$315,308

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

From Unemployment Compensation Administration Fund (0948) . . . . . 4,119,706

From Workers' Compensation Fund (0652) . . . . . 1,047,097

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

Total . . . . . \$5,652,613

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

Funds are to be transferred, for payment of administrative costs charged  
by the Office of Administration, to the Department of Labor and Industrial  
Relations Administrative Fund, provided that not more than three percent  
(3%) flexibility is allowed from this section to Section 7.910

From General Revenue Fund (0101) . . . . . \$154,226

From the Division of Labor Standards - Federal Fund (0186) . . . . . 42,815

From Unemployment Compensation Fund (0948) . . . . . 4,988,766

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

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

Total . . . . . \$6,350,731

**SECTION 7.815.** — To the Department of Labor and Industrial Relations  
For the Labor and Industrial Relations Commission  
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, and further provided that not more than three  
percent (3%) flexibility is allowed from this section to Section 7.910

Personal Service. . . . .	\$9,476
Expense and Equipment. . . . .	594
From General Revenue Fund (0101) . . . . .	<u>10,070</u>
Personal Service. . . . .	545,711
Expense and Equipment. . . . .	34,221
From Unemployment Compensation Administration Fund (0948). . . . .	<u>579,932</u>
Personal Service. . . . .	392,392
Expense and Equipment. . . . .	24,607
From Workers' Compensation Fund (0652). . . . .	<u>416,999</u>
Total (Not to exceed 14.00 F.T.E.). . . . .	<u>\$1,007,001</u>

**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, and further  
provided that not more than three percent (3%) flexibility is allowed from  
this section to Section 7.910

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

Expense and Equipment	
From Division of Labor Standards - Federal Funds (0186). . . . .	32,670

For the Child Labor Program, provided that not more than ten percent (10%)  
flexibility is allowed between personal service and expense and equipment  
and provided that not more than ten percent (10%) flexibility is allowed  
between the Child Labor Program, Prevailing Wage Program, and  
Minimum Wage Program, and further provided that not more than  
three percent (3%) flexibility is allowed from this section to Section 7.910

Personal Service	
From General Revenue Fund (0101) . . . . .	46,569

Expense and Equipment	
From Child Labor Enforcement Fund (0826) . . . . .	179,450

For the Mine and Cave Inspection Program, provided that not more than ten  
percent (10%) flexibility is allowed between personal service and expense  
and equipment, and further provided that not more than three percent  
(3%) flexibility is allowed from this section to section 7.910

Personal Service. . . . .	85,170
Expense and Equipment. . . . .	11,083
From General Revenue Fund (0101) . . . . .	<u>96,253</u>

Personal Service. . . . .	47,492
Expense and Equipment. . . . .	<u>7,400</u>
From State Mine Inspection Fund (0973) . . . . .	54,892

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, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

From General Revenue Fund (0101). . . . .	\$1
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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, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

Personal Service. . . . .	169,536
Expense and Equipment. . . . .	<u>17,260</u>
From General Revenue Fund (0101). . . . .	<u>186,796</u>
Total (Not to exceed 9.71 F.T.E.). . . . .	\$745,109

**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). . . . .	<u>158,415</u>
Total (Not to exceed 17.00 F.T.E.). . . . .	\$1,169,327

**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). . . . .	<u>86,411</u>
Total (Not to exceed 5.50 F.T.E.). . . . .	\$438,706

**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, and further provided that not more than three percent (3%)  
flexibility is allowed from this section to Section 7.910

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

**SECTION 7.840.**— To the Department of Labor and Industrial Relations  
For the Division of Workers' Compensation  
For the purpose of funding Administration, provided that not more than  
ten percent (10%) flexibility is allowed between personal service  
and expense and equipment

Personal Service.....	\$8,177,870
Expense and Equipment.....	1,371,111
From Workers' Compensation Fund (0652).....	<u>9,548,981</u>

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
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Expense and Equipment	
From Tort Victims' Compensation Fund (0622).....	4,836
Total (Not to exceed 144.25 F.T.E.).....	<u>\$9,603,817</u>

**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
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**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
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**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
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**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,  
provided that not more than three percent (3%) flexibility is allowed  
from this section to Section 7.910

From General Revenue Fund (0101).....	\$450,000
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**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. . . . . \$22,787,832  
Expense and Equipment. . . . . 5,786,570  
From Unemployment Compensation Administration Fund (0948) . . . . . 28,574,402

Personal Service. . . . . 419,160  
Expense and Equipment. . . . . 16,143  
From Unemployment Automation Fund (0953).. . . . . 435,303  
Total (Not to exceed 524.21 F.T.E.). . . . . \$29,009,705

**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  
Funds are to be transferred out of the State Treasury, chargeable to the  
Special Employment Security Fund, for the reimbursement of a legal  
expense settlement related to Case No. 14AC-CC00297. . . . . \$2,000,000

Personal Service. . . . . 562,911  
Expense and Equipment. . . . . 6,498,000  
From Special Employment Security Fund (0949) (Not to exceed 15.00 F.T.E.). . . . . \$9,060,911

**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, and further provided that not more than three  
percent (3%) flexibility is allowed from this section to Section 7.910  
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 not  
more than three percent (3%) flexibility is allowed from this section to  
Section 7.910  
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

**SECTION 7.910.**— To the Department of Labor and Industrial Relations  
Funds are to be transferred out of the State Treasury, for the payment of  
claims, premiums, and expenses as provided by Section 105.711 through  
105.726, RSMo, to the State Legal Expense Fund  
From General Revenue Fund (0101) . . . . . \$1

**Department of Economic Development Totals**

General Revenue Fund . . . . . \$71,088,465  
Federal Funds . . . . . 161,859,104  
Other Funds . . . . . 69,529,852  
Total . . . . . \$302,477,421

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

Federal Funds . . . . . \$1,250,000  
Other Funds . . . . . 42,577,712  
Total . . . . . \$43,827,712

**Department of Labor & Industrial Relations Totals**

General Revenue Fund . . . . . \$2,125,460  
Federal Funds . . . . . 53,376,729  
Other Funds . . . . . 155,714,052  
Total . . . . . \$211,216,241

Approved June 30, 2017

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HB 8 [CCS SCS HCS HB 8 ]

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

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2017 and ending June 30, 2018, provided that a flight plan be made publicly available via a global aviation data services organization that operates both a website and mobile application which provides free flight tracking of both private and commercial aircraft prior to the departure of any flight on a state aircraft for which an elected official will be on board the aircraft.

*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, 2017 and ending June 30, 2018, as follows:

**SECTION 8.005.**— To the Department of Public Safety

For the Office of the Director, provided not more than three percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service. . . . .	\$1,215,163
Expense and Equipment. . . . .	198,533
From General Revenue Fund (0101) . . . . .	1,413,696
Personal Service. . . . .	317,843
Expense and Equipment. . . . .	709,973
From Department of Public Safety Federal Fund (0152) . . . . .	1,027,816
Personal Service. . . . .	1,607
Expense and Equipment. . . . .	905
From Department of Public Safety - Juvenile Accountability Incentive Block Grant Fund (0121) . . . . .	2,512
Personal Service. . . . .	313,108
Expense and Equipment. . . . .	99,800
From Justice Assistance Grant Program Fund (0782). . . . .	412,908
Personal Service. . . . .	71,465
Expense and Equipment. . . . .	10,042
From Services to Victims Fund (0592) . . . . .	81,507
Personal Service. . . . .	467,692
Expense and Equipment. . . . .	1,453,268
From Crime Victims' Compensation Fund (0681) . . . . .	1,920,960

Expense and Equipment  
From Missouri Crime Prevention Information and Programming Fund (0253) . . . . . 1,000

Expense and Equipment  
From Antiterrorism Fund (0759) . . . . . 15,000

Personal Service . . . . . 1,244,369  
Expense and Equipment . . . . . 16,962,500  
From Department of Public Safety Federal Homeland Security Fund (0193) . . . . . 18,206,869

Personal Service . . . . . 90,278  
Expense and Equipment . . . . . 763,000  
From MODEX Fund (0867) . . . . . 853,278

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 . . . . . 2,455,000  
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 . . . . . 47,300  
Expense and Equipment . . . . . 1,853,399  
From General Revenue Fund (0101) . . . . . 1,900,699  
Total (Not to exceed 72.55 F.T.E.) . . . . . \$28,337,145

**SECTION 8.006.** — To the Department of Public Safety

For the Office of the Director

For providing information technology services and criminal records services to the Highway Patrol and local law enforcement

Expense and Equipment  
From Criminal Record System Fund (0671) . . . . . \$1,945,000

**SECTION 8.015.** — To the Department of Public Safety

For the Office of the Director

For alert systems development and maintenance

From General Revenue Fund (0101) . . . . . \$250,000

**SECTION 8.020.** — 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

**SECTION 8.025.** — 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 8.027.** — To the Department of Public Safety  
 For the Office of the Director  
 For a Neighborhood Watch Program to be located in a city not within a county  
 From General Revenue Fund (0101). . . . . \$475,000

**SECTION 8.030.** — 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). . . . . \$60,000  
 From Justice Assistance Grant Program Fund (0782). . . . . 4,450,000  
 Total. . . . . \$4,510,000

**SECTION 8.035.** — 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

**SECTION 8.040.** — To the Department of Public Safety  
 For the Office of the Director  
 For operating grants to local law enforcement cyber crimes task forces, provided  
 not more than three percent (3%) is used for grant administration and not  
 more than three percent (3%) flexibility is allowed from this section to  
 Section 8.335  
 Personal Service. . . . . \$16,007  
 Expense and Equipment. . . . . 1,984,693  
 From General Revenue Fund (0101). . . . . \$2,000,700

**SECTION 8.045.** — 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, provided  
 not more than three percent (3%) flexibility is allowed from this section  
 to Section 8.335  
 From General Revenue Fund (0101). . . . . \$50,000

**SECTION 8.050.** — 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). . . . . \$2,000,000  
  
 For counseling and other support services for crime victims  
 From Crime Victims' Compensation Fund (0681). . . . . 50,000  
 Total. . . . . \$2,050,000

**SECTION 8.060.** — 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). . . . . \$2,694,232

**SECTION 8.065.**— To the Department of Public Safety  
 For the Office of the Director, provided not more than three percent (3%)  
 flexibility is allowed from this section to Section 8.335  
 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. . . . . 1,022,000  
 From General Revenue Fund (0101). . . . . 1,052,600  
 Total (Not to exceed 1.00 F.T.E.). . . . . \$11,389,929

**SECTION 8.070.**— To the Department of Public Safety  
 For the National Forensic Sciences Improvement Act Program  
 From Department of Public Safety Federal Fund (0152). . . . . \$100,000

**SECTION 8.075.**— To the Department of Public Safety  
 For the State Forensic Laboratory Program  
 From State Forensic Laboratory Fund (0591). . . . . \$400,000

**SECTION 8.080.**— 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). . . . . \$350,000

**SECTION 8.085.**— 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). . . . . \$1,250,000

**SECTION 8.095.**— To the Department of Public Safety  
 For the Capitol Police, provided not more than three percent (3%) flexibility  
 is allowed from this section to Section 8.335  
 Personal Service. . . . . \$1,517,242  
 Expense and Equipment. . . . . 139,123  
 From General Revenue Fund (0101) (Not to exceed 37.00 F.T.E.). . . . . \$1,656,365

**SECTION 8.100.**— To the Department of Public Safety  
 For the State Highway Patrol  
 For Administration, provided not more than three percent (3%) flexibility  
 is allowed from this section to Section 8.335  
 Personal Service. . . . . \$255,915  
 Expense and Equipment. . . . . 3,361  
 From General Revenue Fund (0101). . . . . 259,276

Personal Service . . . . .	6,145,488
Expense and Equipment . . . . .	<u>422,589</u>
From State Highways and Transportation Department Fund (0644) . . . . .	6,568,077

Personal Service From Criminal Record System Fund (0671) . . . . .	42,664
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Personal Service . . . . .	34,879
Expense and Equipment . . . . .	<u>4,802</u>
From Gaming Commission Fund (0286) . . . . .	39,681

Personal Service From Water Patrol Division Fund (0400) . . . . .	98,694
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For the High-Intensity Drug Trafficking Area Program From Department of Public Safety Federal Fund (0152) . . . . .	<u>2,598,000</u>
Total (Not to exceed 121.00 F.T.E.) . . . . .	\$9,606,392

**SECTION 8.105.** — 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 . . . . .	\$12,713,990
Expense and Equipment . . . . .	<u>1,010,936</u>
From General Revenue Fund (0101) . . . . .	13,724,926

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

Personal Service . . . . .	365,033
Expense and Equipment . . . . .	<u>337,341</u>
From Gaming Commission Fund (0286) . . . . .	702,374

Personal Service . . . . .	1,305,674
Expense and Equipment . . . . .	<u>105,078</u>
From Water Patrol Division Fund (0400) . . . . .	1,410,752

Personal Service . . . . .	81,049,718
Expense and Equipment . . . . .	<u>6,516,441</u>
From State Highways and Transportation Department Fund (0644) . . . . .	87,566,159

Personal Service . . . . .	3,431,351
Expense and Equipment . . . . .	<u>258,883</u>
From Criminal Record System Fund (0671) . . . . .	3,690,234

Personal Service . . . . .	87,465
Expense and Equipment . . . . .	<u>6,458</u>
From Highway Patrol Academy Fund (0674) . . . . .	93,923

Personal Service . . . . .	4,681
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Expense and Equipment . . . . .	657
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695) . . . . .	5,338
Personal Service . . . . .	56,181
Expense and Equipment . . . . .	6,046
From DNA Profiling Analysis Fund (0772) . . . . .	62,227
Personal Service . . . . .	59,900
Expense and Equipment . . . . .	5,017
From Highway Patrol Traffic Records Fund (0758) . . . . .	64,917
Personal Service . . . . .	74,926
Expense and Equipment . . . . .	7,594
From Highway Patrol Inspection Fund (0297) . . . . .	82,520
Total . . . . .	\$111,387,881

**SECTION 8.110.**— To the Department of Public Safety

For the State Highway Patrol

For the Enforcement Program, provided not more than three percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service . . . . .	\$8,995,921
Expense and Equipment . . . . .	2,648,568
From General Revenue Fund (0101) . . . . .	11,644,489

Personal Service . . . . .	72,208,910
Expense and Equipment . . . . .	6,748,812
From State Highways and Transportation Department Fund (0644) . . . . .	78,957,722

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

Personal Service	
From Criminal Record System Fund (0671) . . . . .	199,128

Expense and Equipment	
From Gaming Commission Fund (0286) . . . . .	388,088

Personal Service . . . . .	8,047
Expense and Equipment . . . . .	297,625
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695) . . . . .	305,672

Expense and Equipment	
From Highway Patrol Traffic Records Fund (0758) . . . . .	245,242

Personal Service	
From Water Patrol Division Fund (0400) . . . . .	87,813

For the Governor's Security Detail

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Personal Service and/or Expense and Equipment  
 From General Revenue Fund (0101) (Not to exceed 14.00 F.T.E.) . . . . . 1,820,801

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 . . . . . 5,208,117  
 Expense and Equipment. . . . . 5,852,940  
 From Department of Public Safety Federal Fund (0152) . . . . . 11,061,057

For a statewide interoperable communication system

From State Highways and Transportation Department Fund (0644).. . . . . 9,100,000  
 Total (Not to exceed 1,305.00 F.T.E.) . . . . . \$114,210,012

**SECTION 8.115.** — To the Department of Public Safety

For the State Highway Patrol

For the Water Patrol Division, provided not more than three percent (3%) flexibility is allowed from this section to Section 8.335

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

Personal Service . . . . . 284,336  
 Expense and Equipment. . . . . 2,225,990  
 From Department of Public Safety Federal Fund (0152) . . . . . 2,510,326

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. . . . . 840,000  
 From Water Patrol Division Fund (0400). . . . . 2,495,052  
 Total (Not to exceed 84.00 F.T.E.) . . . . . \$9,010,728

**SECTION 8.120.** — 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, provided not more than three percent (3%) flexibility is allowed from this section to Section 8.335

Expense and Equipment  
 From General Revenue Fund (0101). . . . . \$428,639  
 From Gaming Commission Fund (0286) . . . . . 775,366  
 From State Highways and Transportation Department Fund (0644).. . . . . 4,837,264  
 Total. . . . . \$6,041,269

**SECTION 8.125.** — To the Department of Public Safety

For the State Highway Patrol

For purchase of vehicles, aircraft, and watercraft for the State Highway Patrol

and the Gaming Commission in accordance with Section 43.265, RSMo, also for maintenance and repair costs for vehicles Expense and Equipment	
From State Highways and Transportation Department Fund (0644) . . . . .	\$6,573,075
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695) . . . . .	7,713,448
From Gaming Commission Fund (0286) . . . . .	549,074
Total . . . . .	<u>\$14,835,597</u>

**SECTION 8.130.**— To the Department of Public Safety

For the State Highway Patrol

For Crime Labs, provided not more than three percent (3%) flexibility is  
allowed from this section to Section 8.335

Personal Service . . . . .	\$3,082,171
Expense and Equipment . . . . .	673,143
From General Revenue Fund (0101) . . . . .	<u>3,755,314</u>

Personal Service . . . . .	3,878,874
Expense and Equipment . . . . .	1,209,249
From State Highways and Transportation Department Fund (0644) . . . . .	<u>5,088,123</u>

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

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

Personal Service . . . . .	231,228
Expense and Equipment . . . . .	900,000
From Department of Public Safety Federal Fund (0152) . . . . .	<u>1,131,228</u>

Expense and Equipment	
From State Forensic Laboratory Fund (0591) . . . . .	327,633
Total (Not to exceed 116.00 F.T.E.) . . . . .	<u>\$12,038,625</u>

**SECTION 8.135.**— To the Department of Public Safety

For the State Highway Patrol

For the Law Enforcement Academy, provided not more than three percent  
(3%) flexibility is allowed from this section to Section 8.335

Personal Service	
From General Revenue Fund (0101) . . . . .	\$81,386

Expense and Equipment	
From Department of Public Safety Federal Fund (0152) . . . . .	59,655

Personal Service . . . . .	174,718
Expense and Equipment . . . . .	79,440
From Gaming Commission Fund (0286) . . . . .	<u>254,158</u>

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

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

**SECTION 8.140.** — To the Department of Public Safety

For the State Highway Patrol

For Vehicle and Driver Safety

Expense and Equipment

From Department of Public Safety Federal Fund (0152)..... \$350,000

Personal Service.....	11,112,828
Expense and Equipment.....	1,020,875
From State Highways and Transportation Department Fund (0644).....	12,133,703

Personal Service.....	128,775
Expense and Equipment.....	360,632
From Highway Patrol Inspection Fund (0297).....	489,407
Total (Not to exceed 300.00 F.T.E.).....	\$12,973,110

**SECTION 8.145.** — 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 8.150.** — To the Department of Public Safety

For the State Highway Patrol

For Technical Services, provided not more than three percent (3%)  
flexibility is allowed from this section to Section 8.335

Personal Service.....	\$349,470
Expense and Equipment.....	54,524
From General Revenue Fund (0101).....	403,994

Personal Service.....	473,954
Expense and Equipment.....	4,995,285
From Department of Public Safety Federal Fund (0152).....	5,469,239

Personal Service.....	14,521,316
Expense and Equipment.....	13,677,138
From State Highways and Transportation Department Fund (0644).....	28,198,454

Personal Service.....	3,679,539
Expense and Equipment.....	2,105,243
For National Criminal Record Reviews.....	2,500,000
From Criminal Record System Fund (0671).....	8,284,782

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 369.00 F.T.E.) . . . . .	<u>\$45,276,178</u>

**SECTION 8.155.**— 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 8.160.**— 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 8.165.**— To the Department of Public Safety  
For the Division of Alcohol and Tobacco Control  
Personal Service . . . . . \$20,000  
Expense and Equipment . . . . . 147,594  
From Department of Public Safety Federal Fund (0152) . . . . . 167,594

Personal Service . . . . .	1,210,004
Expense and Equipment . . . . .	<u>366,824</u>
From Division of Alcohol and Tobacco Control Fund (0544) . . . . .	1,576,828

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>\$1,892,292</u>

**SECTION 8.170.**— 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 8.175.**— 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 and not more than three percent  
(3%) flexibility is allowed from this section to Section 8.335  
Personal Service . . . . . \$2,169,705  
Expense and Equipment . . . . . 182,417  
From General Revenue Fund (0101) . . . . . 2,352,122

Personal Service . . . . .	394,763
Expense and Equipment . . . . .	<u>75,195</u>
From Elevator Safety Fund (0257) . . . . .	469,958

Personal Service . . . . .	394,174
Expense and Equipment . . . . .	46,898
From Boiler and Pressure Vessels Safety Fund (0744) . . . . .	<u>441,072</u>

Personal Service . . . . .	87,529
Expense and Equipment . . . . .	12,027
From Missouri Explosives Safety Act Administration Fund (0804) . . . . .	<u>99,556</u>
Total (Not to exceed 69.92 F.T.E.) . . . . .	<u>\$3,362,708</u>

**SECTION 8.180.**— 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) . . . . .	<u>\$31,221</u>

**SECTION 8.185.**— To the Department of Public Safety

For the Division of Fire Safety

For firefighter training contracted services, provided not more than three percent

(3%) flexibility is allowed from this section to Section 8.335

Expense and Equipment

From General Revenue Fund (0101) . . . . .	\$500,000
From Chemical Emergency Preparedness Fund (0587) . . . . .	100,000
From Fire Education Fund (0821) . . . . .	<u>320,000</u>
Total . . . . .	<u>\$920,000</u>

**SECTION 8.187.**— To the Department of Public Safety

For the Division of Fire Safety

For grants to volunteer fire protection associations for workers'

compensation premiums pursuant to Section 287.245, RSMo

Personal Service . . . . . \$35,000

Expense and Equipment . . . . . 15,000

Program Distribution . . . . . 950,000From General Revenue Fund (0101) (Not to exceed 1.00 F.T.E.) . . . . . \$1,000,000**SECTION 8.190.**— To the Department of Public Safety

For the Missouri Veterans' Commission

For Administration and Service to Veterans, provided not more than three

percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service

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

Personal Service . . . . . 4,415,219

Expense and Equipment . . . . . 1,456,213From Veterans Commission Capital Improvement Trust Fund (0304) . . . . . 5,871,432

Expense and Equipment

From Veterans' Trust Fund (0579) . . . . . 23,832

Total (Not to exceed 117.21 F.T.E.) . . . . . \$6,099,264**SECTION 8.195.**— 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 8.200.**— 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 8.205.**— To the Department of Public Safety  
For the Missouri Veterans' Commission  
For Missouri Veterans' Homes  
    Personal Service. . . . . \$53,164,081  
    Expense and Equipment. . . . . 23,927,543  
From Missouri Veterans' Homes Fund (0460). . . . . 77,091,624

    Expense and Equipment  
From Veterans' Trust Fund (0579) . . . . . 49,980

    Personal Service  
From Veterans Commission Capital Improvement Trust Fund (0304) . . . . . 29,731

For refunds to veterans and/or the U.S. Department of Veterans' Affairs  
From Missouri Veterans' Homes Fund (0460). . . . . 1,274,400

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). . . . . 1,604,382  
Total (Not to exceed 1,636.48 F.T.E.). . . . . \$80,050,117

**SECTION 8.210.**— 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 8.215.**— To the Department of Public Safety  
For the Gaming Commission  
For the Divisions of Gaming and Bingo  
    Personal Service. . . . . \$14,817,710  
    Expense and Equipment. . . . . 1,726,519  
From Gaming Commission Fund (0286) . . . . . 16,544,229

    Expense and Equipment  
From Compulsive Gamblers Fund (0249). . . . . 56,310  
Total (Not to exceed 238.75 F.T.E.). . . . . \$16,600,539

**SECTION 8.220.**— 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. . . . .	\$6,605,754
Expense and Equipment. . . . .	267,317
From Gaming Commission Fund (0286). . . . .	<u>\$6,873,071</u>

**SECTION 8.225.** — 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 8.230.** — 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 8.235.** — 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 Proceeds for Education Fund  
 From Gaming Proceeds for Education Fund (0285). . . . . \$50,000

**SECTION 8.240.** — To the Department of Public Safety  
 For the Gaming Commission  
 For breeder incentive payments  
 From Missouri Breeders Fund (0605). . . . . \$5,000

**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 Veterans Commission Capital  
 Improvement Trust Fund  
 From Gaming Commission Fund (0286). . . . . \$32,000,000

**SECTION 8.250.** — 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 8.255.** — 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 8.260.** — 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 8.265.** — To the Adjutant General  
 For Missouri Military Forces Administration, provided not more than three

percent (3%) flexibility is allowed from this section to Section 8.335  
 Personal Service . . . . . \$1,053,285  
 Expense and Equipment . . . . . 125,133  
 From General Revenue Fund (0101) . . . . . 1,178,418

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) . . . . . 240,000  
 Total (Not to exceed 29.48 F.T.E.) . . . . . \$1,418,418

**SECTION 8.270.** — 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,  
 provided not more than three percent (3%) flexibility is allowed from this  
 section to Section 8.335  
 Expense and Equipment  
 From General Revenue Fund (0101) . . . . . \$3,343,957  
  
 Personal Service . . . . . 1,291,425  
 Expense and Equipment . . . . . 3,226,247  
 From Missouri National Guard Trust Fund (0900) . . . . . 4,517,672  
 Total (Not to exceed 42.40 F.T.E.) . . . . . \$7,861,629

**SECTION 8.275.** — To the Adjutant General  
 For the Veterans Recognition Program  
 Personal Service . . . . . \$95,258  
 Expense and Equipment . . . . . 536,732  
 From Veterans Commission Capital Improvement Trust Fund (0304)  
 (Not to exceed 3.00 F.T.E.) . . . . . \$631,990

**SECTION 8.280.** — To the Adjutant General  
 Funds are to be transferred out of the State Treasury, chargeable to the  
 Korean Conflict Veterans' Recognition Award Fund, to the Veterans  
 Commission Capital Improvement Trust Fund  
 From Korean Conflict Veterans' Recognition Award Fund (0762) . . . . . \$150

**SECTION 8.285.** — To the Adjutant General  
 For Missouri Military Forces Field Support, provided not more than three  
 percent (3%) flexibility is allowed from this section to Section 8.335  
 Personal Service . . . . . \$709,265  
 Expense and Equipment . . . . . 1,741,217  
 From General Revenue Fund (0101) . . . . . 2,450,482  
  
 Personal Service . . . . . 101,887  
 Expense and Equipment . . . . . 98,417  
 From Adjutant General - Federal Fund (0190) . . . . . 200,304  
 Total (Not to exceed 40.37 F.T.E.) . . . . . \$2,650,786

**SECTION 8.290.** — 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 8.295.** — To the Adjutant General

For the Missouri Military Family Relief Program

Expense and Equipment. . . . . \$10,000

For grants to family members of the National Guard and reservists who are  
in financial need. . . . . 140,000

From Missouri Military Family Relief Fund (0719). . . . . \$150,000

**SECTION 8.300.** — To the Adjutant General

For training site operating costs

Expense and Equipment

From Missouri National Guard Training Site Fund (0269). . . . . \$330,000

**SECTION 8.305.** — To the Adjutant General

For Military Forces Contract Services, provided not more than three percent

(3%) flexibility is allowed from this section to Section 8.335

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 8.310.** — To the Adjutant General

For the Office of Air Search and Rescue, provided not more than three percent

(3%) flexibility is allowed from this section to Section 8.335

Expense and Equipment

From General Revenue Fund (0101). . . . . \$19,501

**SECTION 8.315.** — To the Department of Public Safety

For the State Emergency Management Agency

For Administration and Emergency Operations, provided not more than three  
percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service. . . . . \$1,283,705

Expense and Equipment. . . . . 302,974

From General Revenue Fund (0101) . . . . . 1,586,679

One-time funding for equipment for disaster preparedness

From General Revenue Fund (0101) . . . . .	150,000
Personal Service . . . . .	1,748,082
Expense and Equipment. . . . .	<u>905,607</u>
From State Emergency Management - Federal Fund (0145). . . . .	2,653,689
Personal Service . . . . .	275,320
Expense and Equipment. . . . .	<u>27,350</u>
From Missouri Disaster Fund (0663) . . . . .	302,670
Personal Service . . . . .	1,052,016
Expense and Equipment. . . . .	<u>270,000</u>
From Department of Health and Senior Services - Federal Fund (0143). . . . .	1,322,016
Personal Service . . . . .	162,055
Expense and Equipment. . . . .	<u>85,117</u>
From Chemical Emergency Preparedness Fund (0587). . . . .	247,172
Total (Not to exceed 94.49 F.T.E.). . . . .	<u>\$6,262,226</u>

**SECTION 8.320.** — To the Department of Public Safety  
 For the State Emergency Management Agency  
 For the 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 and 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). . . . . \$63,000

**SECTION 8.325.** — To the Department of Public Safety  
 For the State Emergency Management Agency  
 For the Community Right-to-Know Act

From Chemical Emergency Preparedness Fund (0587). . . . . \$650,000

For distribution of funds to local emergency planning commissions to implement the federal Hazardous Materials Transportation Uniform Safety Act of 1990

From State Emergency Management - Federal Fund (0145). . . . . 750,000  
 Total. . . . . \$1,400,000

**SECTION 8.330.** — 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). . . . . \$19,262,386

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) . . . . . 10,000,000

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 . . . . . \$133,223,755

**SECTION 8.335.**— To the Department of Public Safety

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

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

**Bill Totals**

General Revenue Fund. . . . . \$73,271,996

Federal Funds. . . . . 212,011,007

Other Funds. . . . . 420,140,699

Total. . . . . \$705,423,702

Approved June 30, 2017

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HB 9 [CCS SCS HCS HB 9 ]

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

**Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections**

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2017 and ending June 30, 2018.

*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, 2017 and ending June 30, 2018, as follows:

**SECTION 9.005.**— To the Department of Corrections  
For the Office of the Director

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For the Office of the Director, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between sections and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service.....	\$2,116,227
Expense and Equipment.....	<u>87,178</u>
From General Revenue Fund (0101).....	2,203,405

For the purpose of funding Family Support Services

From General Revenue Fund (0101).....	384,093
From Department of Corrections - Federal Fund (0130).....	<u>71,024</u>
Total (Not to exceed 44.00 F.T.E.).....	\$2,658,522

**SECTION 9.007.**— To the Department of Corrections

For the Office of Professional Standards, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between sections and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service.....	\$2,304,252
Expense and Equipment.....	<u>75,600</u>
From General Revenue Fund (0101) (Not to exceed 58.00 F.T.E.).....	\$2,379,852

**SECTION 9.010.**— To the Department of Corrections

For the Office of the Director  
For the purpose of funding all costs associated with the Offender Reentry Program, provided not more than three percent (3%) flexibility is allowed from this section to Section 9.265

From General Revenue Fund (0101).....	\$2,000,000
From Inmate Fund (0540).....	199,500

For a Kansas City Reentry Program

From General Revenue Fund (0101).....	<u>178,000</u>
Total.....	\$2,377,500

**SECTION 9.015.**— To the Department of Corrections

For the Office of the Director  
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided the General Assembly shall be notified of the source of any new funds and the purpose for which they should be expended, in writing, prior to the use of said funds

Personal Service.....	\$2,390,376
Expense and Equipment.....	<u>2,456,446</u>
From Department of Corrections - Federal Fund (0130).....	4,846,822

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).....	<u>75,000</u>
Total (Not to exceed 43.00 F.T.E.).....	\$4,921,822

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service. . . . .	\$102
Expense and Equipment. . . . .	427,060
From General Revenue Fund (0101) . . . . .	<u>427,162</u>

Expense and Equipment	
From Inmate Incarceration Reimbursement Act Revolving Fund (0828). . . . .	750,000
Total. . . . .	<u>\$1,177,162</u>

**SECTION 9.025.** — To the Department of Corrections

For the Office of the Director

For restitution payments for those wrongly convicted, provided not more than three percent (3%) flexibility is allowed from this section to Section 9.265

From General Revenue Fund (0101). . . . .	\$111,778
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**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, provided not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service. . . . .	\$9,013,441
Expense and Equipment. . . . .	96,389
From General Revenue Fund (0101) . . . . .	<u>9,109,830</u>

Personal Service. . . . .	143,688
Expense and Equipment. . . . .	34,068
From Inmate Fund (0540). . . . .	<u>177,756</u>
Total (Not to exceed 244.60 F.T.E.). . . . .	<u>\$9,287,586</u>

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Expense and Equipment

From General Revenue Fund (0101) . . . . . \$31,183,488  
 From Department of Corrections - Federal Fund (0130) . . . . . 125,000  
 Total . . . . . \$31,308,488

**SECTION 9.055.** — To the Department of Corrections

For the Division of Human Services

For training costs department-wide, provided ten percent (10%) flexibility is allowed between sections and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 expenses and small equipment purchased at any of the adult institutions department-wide, provided ten percent (10%) flexibility is allowed between sections and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Expense and Equipment

From General Revenue Fund (0101). . . . . \$22,853,512

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service. . . . . \$2,260,969

Expense and Equipment. . . . . 127,443

From General Revenue Fund (0101) (Not to exceed 57.41 F.T.E.). . . . . \$2,388,412**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service

From General Revenue Fund (0101) (Not to exceed 530.00 F.T.E.). . . . . \$17,786,032

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service

From General Revenue Fund (0101). . . . . \$5,735,903

From Inmate Fund (0540). . . . . 278,851

Total (Not to exceed 172.00 F.T.E.). . . . . \$6,014,754

**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 and not more than three percent (3%)  
 flexibility is allowed from this section to Section 9.265  
 Personal Service  
 From General Revenue Fund (0101) (Not to exceed 386.00 F.T.E.) . . . . . \$13,200,477

**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 and not more than  
 three percent (3%) flexibility is allowed from this section to Section 9.265  
 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 and not more than  
 three percent (3%) flexibility is allowed from this section to Section 9.265  
 Personal Service  
 From General Revenue Fund (0101) (Not to exceed 329.00 F.T.E.) . . . . . \$11,008,273

**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 and not more than three percent (3%)  
 flexibility is allowed from this section to Section 9.265  
 Personal Service  
 From General Revenue Fund (0101) . . . . . \$14,607,151  
 From Inmate Fund (0540) . . . . . 29,756  
 Total (Not to exceed 459.02 F.T.E.) . . . . . \$19,636,907

**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 and not more than three percent (3%)  
 flexibility is allowed from this section to Section 9.265  
 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 and not more than three percent (3%)  
 flexibility is allowed from this section to Section 9.265  
 Personal Service  
 From General Revenue Fund (0101) (Not to exceed 588.00 F.T.E.) . . . . . \$19,684,695

**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 and not more than three percent (3%) flexibility is allowed from this section to

Section 9.265

Personal Service

From General Revenue Fund (0101) (Not to exceed 484.00 F.T.E.). . . . . \$16,210,945

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service

From General Revenue Fund (0101) (Not to exceed 332.00 F.T.E.). . . . . \$11,311,719

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service

From General Revenue Fund (0101) (Not to exceed 426.00 F.T.E.). . . . . \$14,170,117

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service

From General Revenue Fund (0101). . . . . \$10,567,286

From Inmate Fund (0540). . . . . 93,719

Total (Not to exceed 309.00 F.T.E.). . . . . \$10,661,005**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 and not more than three  
 percent (3%) flexibility is allowed from this section to Section 9.265  
 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 and not more than three  
 percent (3%) flexibility is allowed from this section to Section 9.265  
 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 and  
 not more than three percent (3%) flexibility is allowed from this section  
 to Section 9.265  
 Personal Service  
 From General Revenue Fund (0101) (Not to exceed 608.00 F.T.E.) . . . . . \$19,684,959

**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 and not more than  
 three percent (3%) flexibility is allowed from this section to Section  
 9.265  
 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 and not more than  
 three percent (3%) flexibility is allowed from this section to Section  
 9.265  
 Personal Service  
 From General Revenue Fund (0101) (Not to exceed 407.00 F.T.E.) . . . . . \$13,339,791

**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 and not more than three percent (3%)  
 flexibility is allowed from this section to Section 9.265  
 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.) . . . . . \$3,586,538



**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service. . . . .	\$1,251,961
Expense and Equipment. . . . .	<u>44,462</u>
From General Revenue Fund (0101) (Not to exceed 22.15 F.T.E.). . . . .	\$1,296,423

**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

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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Expense and Equipment From General Revenue Fund (0101). . . . .	<u>\$299,087</u>
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**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service. . . . .	\$3,923,386
Expense and Equipment. . . . .	<u>5,180,972</u>
From General Revenue Fund (0101) . . . . .	9,104,358

Expense and Equipment From Correctional Substance Abuse Earnings Fund (0853). . . . .	<u>40,000</u>
Total (Not to exceed 109.00 F.T.E.). . . . .	\$9,144,358

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Expense and Equipment From General Revenue Fund (0101). . . . .	\$517,125
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**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service

From General Revenue Fund (0101) (Not to exceed 218.00 F.T.E.) . . . . . \$7,694,080

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service . . . . . \$65,711,164  
Expense and Equipment . . . . . 3,592,863

From General Revenue Fund (0101) . . . . . 69,304,027

Expense and Equipment

From Inmate Fund (0540) . . . . . 4,703,605

For the transfer of 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 1,739.81 F.T.E.) . . . . . \$75,307,632

**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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

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 and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service . . . . . \$579,462  
Expense and Equipment . . . . . 4,900

From General Revenue Fund (0101) (Not to exceed 15.40 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 Inmate Fund (0540) . . . . . \$40,000

**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, ten percent (10%) flexibility is allowed between personal service and expense and equipment and fifteen percent (15%) flexibility is allowed between sections and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

Personal Service. . . . . \$4,228,923

Expense and Equipment. . . . . 930,055

From General Revenue Fund (0101) (Not to exceed 130.42 F.T.E.). . . . . \$5,158,978

**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, provided ten percent (10%) flexibility is allowed between reimbursements to county jails, certificates of delivery and extradition payments and not more than three percent (3%) flexibility is allowed from this section to Section 9.265

For Reimbursements to County Jails. . . . . \$40,030,272

For Certificates of Delivery . . . . . 1,900,000

For Extradition Payments. . . . . 1,900,000

From General Revenue Fund (0101). . . . . \$43,830,272

**\*SECTION 9.263.**— To the Department of Corrections

For operating department institutional canteens for offender use and benefit.

Per statute 217.195, fund expenditures are solely to improve offender recreational, religious, or educational services, and for canteen cash flow and operating expenses

From Inmate Canteen Fund (0405). . . . . \$35,500,000

\*I hereby veto \$35,500,000 allocated to the Inmate Canteen Fund.

Section 217.195, RSMo, which created the Inmate Canteen Fund, states that the funds shall be kept in a "separate account" and "shall not revert or be transferred to general revenue." The General Assembly has authorized the creation of funds that are separate from general revenue: "All moneys received by this state shall be deposited in the state treasury to the credit of the general revenue fund, unless required by statute or constitutional provision to be deposited in some other specifically named fund." Section 33.543, RSMo.

Section 217.195, RSMo expressly excepted the Inmate Canteen Fund from the requirements in Section 33.80, RSMo, that all state money be placed in the state treasury and be subject to appropriation by the General Assembly. Like in *Petition of Bd. of Pub. Buildings*, 363 S.W.2d 598, 607 (Mo. banc 1962), the Inmate Canteen Fund "would not have passed through the treasury at any time and would not have been withdrawn therefrom by appropriation." Accordingly, Section 9.263 impermissibly brings the Inmate Canteen Fund into the State Treasury and appropriations process. This provision is inconsistent with Section 217.195, RSMo. The legislature may not amend current legal requirements through the appropriation process. It is well-settled that "legislation of a general character cannot be included in an appropriation bill." *State ex rel. Davis v. Smith*, 75 S.W.2d 828, 830 (Mo. banc 1934); *see also State ex rel. Hueller v. Thompson*, 289 S.W. 338, 340 (Mo. banc 1926).

In addition, Section 217.195, RSMo further directs the Department of Corrections to "keep accurate records of the source of money deposited" into the fund and to "allocate appropriations from the fund to the appropriate correctional center." Because Section 217.195, RSMo already authorizes the Department of Corrections to allocate appropriations from the fund to the appropriate correctional center, where funds shall be expended "for the benefit of the offenders in the improvement of recreational, religious, or educational services," Section 9.263 is unnecessary.

Section 9.263 is vetoed in its entirety from \$35,500,000 to \$0 in total from the Inmate Canteen Fund.

From \$35,500,000 to "\$0 in total for the section.

**ERIC R. GREITENS, GOVERNOR**

**SECTION 9.265.**— To the Department of Corrections

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

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

**Bill Totals**

General Revenue Fund . . . . .	\$677,177,958
Federal Funds . . . . .	5,042,846
Other Funds . . . . .	78,348,644
Total . . . . .	\$760,569,448

Approved June 30, 2017

HB 10 [CCS SCS HCS HB 10 ]

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

**Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health, Board of Public Buildings, and Department of Health and Senior Services**

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2017 and ending June 30, 2018; 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, 2017 and ending June 30, 2018, as follows:

**SECTION 10.005.** — To the Department of Mental Health  
For the Office of the Director, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

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.). . . . .	\$585,824

**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
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<b>SECTION 10.020.</b> — To the Department of Mental Health	
For the Office of the Director	
For funding program operations and support, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575	
Personal Service.....	\$4,684,582
Expense and Equipment.....	354,986
From General Revenue Fund (0101).....	5,039,568
Personal Service.....	939,731
Expense and Equipment.....	820,830
From Department of Mental Health Federal Fund (0148).....	1,760,561
For the Missouri Medicaid mental health partnership technology initiative, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575	
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 121.05 F.T.E.).....	\$7,994,036
<b>SECTION 10.025.</b> — 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, provided that fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575	
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
For the Caring for Missourians' Mental Health Initiative, provided not more than twenty-five (25%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	400,000
Expense and Equipment.....	1,400,000
From Department of Mental Health Federal Fund (0148).....	1,800,000
Total.....	\$2,805,886

**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). . . . .	\$205,000
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 Habilitation Center Room & Board Fund (0435). . . . .	10,000
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 transfer of refunds set-off against debts as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753). . . . .	25,000
Total. . . . .	<u>\$715,600</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

**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. . . . . 1,925,000  
From Mental Health Trust Fund (0926) (Not to exceed 7.50 F.T.E.). . . . . \$2,377,574

**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. . . . . 2,461,728  
From Department of Mental Health Federal Fund (0148)  
(Not to exceed 2.00 F.T.E.). . . . . \$2,581,480

**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).....	\$901,659

**SECTION 10.055.**— To the Department of Mental Health

For the Office of the Director

For housing assistance for homeless veterans, provided that not more than

three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment

From General Revenue Fund (0101).....	\$255,000
From Department of Mental Health Federal Fund (0148).....	<u>1,000,000</u>

For the purpose of funding Shelter Plus Care grants

From Department of Mental Health Federal Fund (0148).....	<u>13,696,746</u>
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Total.....	<u>\$14,951,746</u>
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**SECTION 10.060.**— To the Department of Mental Health

For Medicaid payments related to intergovernmental payments

Expense and Equipment

From Department of Mental Health Federal Fund (0148).....	\$8,500,000
From Mental Health Intergovernmental Transfer Fund (0147).....	<u>5,000,000</u>
Total.....	<u>\$13,500,000</u>

**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).....	\$231,100,086
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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).....	\$6,550,000
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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).....	\$148,643,830
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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 10.090.**— To the Department of Mental Health  
 For the purpose of funding Medicaid expenses for the Department of  
 Mental Health due to increased asset limits  
 Expense and Equipment  
 From General Revenue Fund (0101). . . . . \$6,920,419  
 From Department of Mental Health Federal Fund (0148). . . . . 12,442,812  
 Total. . . . . \$19,363,231

**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, provided  
 that not more than three percent (3%) flexibility is allowed from this  
 section to Section 10.575  
 Personal Service. . . . . \$862,926  
 Expense and Equipment. . . . . 20,729  
 From General Revenue Fund (0101). . . . . 883,655

Personal Service. . . . . 888,008  
 Expense and Equipment. . . . . 676,014  
 From Department of Mental Health Federal Fund (0148). . . . . 1,564,022

Personal Service  
 From Health Initiatives Fund (0275). . . . . 47,877  
 Total (Not to exceed 33.82 F.T.E). . . . . \$2,495,554

**SECTION 10.105.**— To the Department of Mental Health  
 For the Division of Behavioral Health  
 For the purpose of funding prevention and education services, provided that  
 not more than three percent (3%) flexibility is allowed from this section  
 to Section 10.575  
 Expense and Equipment  
 From Department of Mental Health Federal Fund (0148). . . . . \$7,503,124

Personal Service  
 From General Revenue Fund (0101). . . . . 26,788

Personal Service. . . . . 147,744  
 Expense and Equipment. . . . . 192,363  
 From Department of 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

Expense and Equipment	
From General Revenue Fund (0101).....	865,758
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

Expense and Equipment	
From Department of Mental Health Federal Fund (0148).....	1,264,177
Total (Not to exceed 9.09 F.T.E.).....	\$13,073,905

**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575, and provided that fifty percent (50%) flexibility is allowed between this section and sections indicated in Section 10.210 and Section 10.225 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System Demonstration Project

Personal Service.....	\$534,296
Expense and Equipment	
For treatment of alcohol and drug abuse.....	39,591,808
From General Revenue Fund (0101).....	40,126,104

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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

From General Revenue Fund (0101) . . . . . 1,765,000

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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

From General Revenue Fund (0101) . . . . . 761,250

For the purpose of funding youth services

From Mental Health Interagency Payments Fund (0109). . . . . 10,000

For treatment of alcohol and drug abuse . . . . . 87,092,301

Personal Service. . . . . 249,113

Expense and Equipment. . . . . 372,725

From Department of Mental Health Federal Fund (0148). . . . . 87,714,139

For treatment services . . . . . 2,625,740

Personal Service. . . . . 164,824

Expense and Equipment. . . . . 203,550

From Department of Mental Health Federal Fund (0148). . . . . 2,994,114

For treatment of alcohol and drug abuse

Expense and Equipment

From Inmate Fund (0540). . . . . 3,513,779

From Healthy Families Trust Fund (0625). . . . . 1,916,865

From Health Initiatives Fund (0275). . . . . 6,071,752

From DMH Local Tax Matching Fund (0930). . . . . 804,775

Total (Not to exceed 18.53 F.T.E.). . . . . \$145,677,778

**SECTION 10.115.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding treatment of compulsive gambling. . . . . \$214,181

Personal Service. . . . . 42,479

Expense and Equipment. . . . . 3,133

From Compulsive Gamblers Fund (0249) (Not to exceed 1.00 F.T.E.). . . . . \$259,793

**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

Personal Service. . . . . \$21,688

Expense and Equipment. . . . . 407,458

From Department of Mental Health Federal Fund (0148) . . . . .	429,146
From Mental Health Earnings Fund (0288). . . . .	6,885,952
Personal Service. . . . .	202,503
Expense and Equipment. . . . .	38,802
From Health Initiatives Fund (0275). . . . .	<u>241,305</u>
Total (Not to exceed 5.48 F.T.E.). . . . .	\$7,556,403

**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

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

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

For suicide prevention initiatives

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

Expense and Equipment	
From Mental Health Earnings Fund (0288). . . . .	<u>300,000</u>
Total (Not to exceed 27.60 F.T.E.). . . . .	\$2,992,688

**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, and that fifteen percent (15%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service. . . . .	\$3,306,093
Expense and Equipment. . . . .	57,121
From General Revenue Fund (0101) . . . . .	<u>3,363,214</u>

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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101) . . . . .	850,233

To pay the state operated hospital provider tax

Expense and Equipment  
From General Revenue Fund (0101) . . . . . 14,500,000

For the purpose of funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment  
From Department of Mental Health Federal Fund (0148) . . . . . 4,639,018

Personal Service. . . . . 159,622  
Expense and Equipment. . . . . 1,271,646  
From Mental Health Earnings Fund (0288). . . . . 1,431,268

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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment  
From General Revenue Fund (0101). . . . . 607,216  
Total (Not to exceed 81.62 F.T.E.). . . . . \$25,390,949

**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service. . . . . \$90,538  
Expense and Equipment. . . . . 808,019  
From General Revenue Fund (0101) . . . . . 898,557

Personal Service. . . . . 227,526  
Expense and Equipment. . . . . 2,586,975  
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, provided that fifty percent (50%) flexibility is allowed between this section and sections indicated in Section 10.110 and Section 10.225 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System Demonstration Project  
Expense and Equipment

From General Revenue Fund (0101) . . . . .	124,611,272
From Department of Mental Health Federal Fund (0148) . . . . .	322,588,741
From DMH Local Tax Matching Fund (0930) . . . . .	948,843
For the provision of mental health services and support services to other agencies	
Expense and Equipment	
From Mental Health Interagency Payments Fund (0109) . . . . .	1,310,572
For the purpose of funding programs for the homeless mentally ill, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	546,450
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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575	
Personal Service . . . . .	38,760
Expense and Equipment . . . . .	<u>103,771</u>
From General Revenue Fund (0101) . . . . .	142,531
For the purpose of funding community based services in the St. Louis Eastern Region for Community Access to Care Facilitation	
Expense and Equipment	
From Department of Mental Health Federal Fund (0148) . . . . .	<u>1,000,000</u>
Total (Not to exceed 8.80 F.T.E.) . . . . .	<u>\$455,825,547</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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101) . . . . .	\$635,350

For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101) . . . . .	<u>143,550</u>
Total . . . . .	<u>\$778,900</u>

**SECTION 10.220.**— To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding forensic support services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

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

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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service. . . . .	\$52,633
Expense and Equipment. . . . .	<u>74,446</u>
From General Revenue Fund (0101) . . . . .	127,079

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, provided that fifty percent (50%) flexibility is allowed between this section and sections indicated in Section 10.110 and Section 10.210 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System Demonstration Project

Expense and Equipment	
From General Revenue Fund (0101) . . . . .	33,092,945
From Department of Mental Health Federal Fund (0148). . . . .	94,416,488
From DMH Local Tax Matching Fund (0930). . . . .	1,017,879

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>\$130,757,503</u>

**SECTION 10.230.**— To the Department of Mental Health

For the Division of Behavioral Health

For the purchase and administration of new medication therapies

Expense and Equipment	
From General Revenue Fund (0101). . . . .	\$13,524,140
From Department of Mental Health Federal Fund (0148). . . . .	<u>916,243</u>
Total. . . . .	<u>\$14,440,383</u>

**SECTION 10.235.**— 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  
Expense and Equipment  
From General Revenue Fund (0101) . . . . . \$500,000

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, who have experienced severe physical, sexual, or emotional trauma as a result of abuse or neglect. 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  
Expense and Equipment  
From General Revenue Fund (0101) . . . . . 500,000  
From Department of Mental Health Federal Fund (0148) . . . . . 750,000  
Total . . . . . \$1,750,000

**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 provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575  
Personal Service . . . . . \$37,471,985  
Expense and Equipment . . . . . 7,779,073  
From General Revenue Fund (0101) . . . . . 45,251,058

Personal Service . . . . . 972,374  
Expense and Equipment . . . . . 618,895  
From Department of Mental Health Federal Fund (0148) . . . . . 1,591,269

For the provision of support services to other agencies  
Expense and Equipment  
From Mental Health Interagency Payments Fund (0109) . . . . . 250,000

For the purpose of paying overtime to state employees. Non-exempt state employees identified by section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees  
Personal Service  
From General Revenue Fund (0101) . . . . . 916,851

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 provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	8,014,219
Expense and Equipment . . . . .	<u>1,853,257</u>
From General Revenue Fund (0101) . . . . .	9,867,476

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 1,175.82 F.T.E.) . . . . .	\$57,939,488

**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 provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	\$10,671,808
Expense and Equipment . . . . .	<u>2,289,854</u>
From General Revenue Fund (0101) . . . . .	12,961,662

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.) . . . . .	\$14,058,696

**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, provided that not more than ten percent (10%) flexibility is allowed between personal service

and expense and equipment, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	\$17,130,546
Expense and Equipment . . . . .	2,770,493
From General Revenue Fund (0101) . . . . .	<u>19,901,039</u>

Personal Service . . . . .	444,652
Expense and Equipment . . . . .	93,210
From Department of Mental Health Federal Fund (0148) . . . . .	<u>537,862</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) . . . . .	293,140
From Department of Mental Health Federal Fund (0148) . . . . .	964
Total (Not to exceed 472.14 F.T.E.) . . . . .	<u>\$20,733,005</u>

**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 33.00 F.T.E.) . . . . .	\$1,478,657

**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, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	\$6,706,566
Expense and Equipment . . . . .	2,370,830
From General Revenue Fund (0101) . . . . .	<u>9,077,396</u>

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.) . . . . .	<u>\$9,534,665</u>

**SECTION 10.325.**— To the Department of Mental Health  
For the Division of Behavioral Health

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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 not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	\$17,369,169
Expense and Equipment . . . . .	3,000,014
From General Revenue Fund (0101) . . . . .	<u>20,369,183</u>

Personal Service . . . . .	297,630
Expense and Equipment . . . . .	219,538
From Department of Mental Health Federal Fund (0148) . . . . .	<u>517,168</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) . . . . .	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 not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	18,215,532
Expense and Equipment . . . . .	4,621,089
From General Revenue Fund (0101) . . . . .	<u>22,836,621</u>

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) . . . . .	86,807
Total (Not to exceed 973.55 F.T.E.) . . . . .	<u>\$44,005,493</u>

**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, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	\$13,382,903
Expense and Equipment . . . . .	<u>2,307,747</u>
From General Revenue Fund (0101) . . . . .	15,690,650
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 343.05 F.T.E.) . . . . .	\$16,825,306

**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	\$6,452,001
Expense and Equipment . . . . .	<u>992,391</u>
From General Revenue Fund (0101) . . . . .	7,444,392
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

Personal Service	
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.) . . . . .	\$9,621,500

**SECTION 10.400.**— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding division administration, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

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.....	58,877
From Department of Mental Health Federal Fund (0148).....	<u>378,977</u>
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 (ICF's - ID) provider tax

Expense and Equipment

From General Revenue Fund (0101) .....	\$6,500,000
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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>\$9,916,027</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) .....	\$319,720,786
From Department of Mental Health Federal Fund (0148) .....	665,791,891
From DMH Local Tax Matching Fund (0930) .....	1,000,000

For the purpose of funding community programs, provided that not more than  
three percent (3%) flexibility is allowed from this section to Section 10.575Personal Service .....

Expense and Equipment.....

From General Revenue Fund (0101) .....	<u>599,215</u>
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Personal Service .....

Expense and Equipment.....

From Department of Mental Health Federal Fund (0148) .....	<u>1,157,269</u>
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For consumer and family directed supports/in-home services/choices for families

Expense and Equipment

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

Expense and Equipment

From General Revenue Fund (0101) .....	4,825,588
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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

Expense and Equipment

From General Revenue Fund (0101) .....	50,000
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For the purpose of funding Autism Outreach Initiatives for Children in Northeast Missouri Expense and Equipment From General Revenue Fund (0101) . . . . .	50,000
For the purpose of funding Regional Autism projects Expense and Equipment From General Revenue Fund (0101) . . . . .	8,881,907
For services for children who are clients of the Department of Social Services Expense and Equipment From Mental Health Interagency Payments Fund (0109) . . . . .	10,916,325
For purposes of funding youth services Expense and Equipment From Mental Health Interagency Payments Fund (0109) . . . . .	213,832
For Senate Bill 40 Board Tax Funds to be used as match for Medicaid initiatives for clients of the division Expense and Equipment From DMH Local Tax Matching Fund (0930) . . . . .	13,728,609
For the purpose of funding the Family Support Partnership Program Expense and Equipment From Missouri Senior Services Protection Fund (0421) . . . . .	300,000
From Department of Mental Health Federal Fund (0148) . . . . .	2,700,000
Total (Not to exceed 24.59 F.T.E.) . . . . .	<u>\$1,029,945,422</u>
 <b>SECTION 10.415.</b> — To the Department of Mental Health For the Division of Developmental Disabilities For the purpose of funding community support staff, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575 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.) . . . . .	<u>\$10,190,361</u>
 <b>SECTION 10.420.</b> — To the Department of Mental Health For the Division of Developmental Disabilities For the purpose of funding developmental disabilities services Personal Service . . . . .	
Expense and Equipment . . . . .	\$419,586
From Department of Mental Health Federal Fund (0148) (Not to exceed 7.98 F.T.E.) . . . . .	<u>1,146,512</u> \$1,566,098
 <b>SECTION 10.425.</b> — 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) . . . . . \$2,450,000

Funds are to be transferred out of the State Treasury, chargeable to the  
Intermediate Care Facility Intellectually Disabled Reimbursement  
Allowance Fund to Federal Funds

From Intermediate Care Facility Intellectually Disabled Reimbursement  
Allowance Fund (0901) . . . . . 4,000,000  
Total . . . . . \$6,450,000

**SECTION 10.500.**—To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Central Missouri Regional Center, provided  
that not more than fifty percent (50%) flexibility is allowed between  
personal service and expense and equipment, and provided that not more  
than three percent (3%) flexibility is allowed from this section to Section  
10.575

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

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

**SECTION 10.505.**—To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Kansas City Regional Center, provided that not  
more than fifty percent (50%) flexibility is allowed between personal service  
and expense and equipment, and provided that not more than three percent  
(3%) flexibility is allowed from this section to Section 10.575

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

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

**SECTION 10.510.**—To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Sikeston Regional Center, provided that not  
more than fifty percent (50%) flexibility is allowed between personal service  
and expense and equipment, and provided that not more than three percent  
(3%) flexibility is allowed from this section to Section 10.575

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

Personal Service . . . . . 242,694

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

**SECTION 10.515.**— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Springfield Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

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 . . . . .	<u>41,508</u>
From Department of Mental Health Federal Fund (0148) . . . . .	420,261
Total (Not to exceed 61.13 F.T.E.) . . . . .	<u>\$2,705,900</u>

**SECTION 10.520.**— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the St. Louis Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

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

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

**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, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	\$6,092,231
Expense and Equipment . . . . .	<u>254,029</u>
From General Revenue Fund (0101) . . . . .	6,346,260

Personal Service . . . . .	8,854,910
Expense and Equipment . . . . .	<u>645,187</u>
From Department of Mental Health Federal Fund (0148) . . . . .	9,500,097



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.). . . . .	<u>\$16,820,443</u>

**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, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service. . . . .	\$3,591,326
Expense and Equipment. . . . .	40,492
From General Revenue Fund (0101) . . . . .	<u>3,631,818</u>

Personal Service . . . . .	6,723,339
Expense and Equipment. . . . .	366,517
From Department of Mental Health Federal Fund (0148) . . . . .	<u>7,089,856</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>\$11,216,763</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, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service. . . . .	\$5,225,628
Expense and Equipment. . . . .	401,548
From General Revenue Fund (0101) . . . . .	<u>5,627,176</u>

Personal Service . . . . .	11,551,063
Expense and Equipment. . . . .	562,239
From Department of Mental Health Federal Fund (0148) . . . . .	<u>12,113,302</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>\$18,483,176</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, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	\$2,237,835
Expense and Equipment . . . . .	<u>70,092</u>
From General Revenue Fund (0101) . . . . .	2,307,927
Personal Service . . . . .	5,365,569
Expense and Equipment . . . . .	<u>359,918</u>
From Department of Mental Health Federal Fund (0148) . . . . .	5,725,487

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) . . . . .	<u>227,776</u>
Total (Not to exceed 260.26 F.T.E.) . . . . .	<u>\$8,270,612</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 seventy-five percent (75%) 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, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service . . . . .	\$4,367,648
Expense and Equipment . . . . .	<u>1,867,519</u>
From General Revenue Fund (0101) . . . . .	6,235,167
Personal Service . . . . .	13,229,500
Expense and Equipment . . . . .	<u>718,656</u>
From Department of Mental Health Federal Fund (0148) . . . . .	13,948,156
Total (Not to exceed 585.96 F.T.E.) . . . . .	<u>\$20,183,323</u>

**SECTION 10.550.**— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding Southeast Missouri Residential Services, provided that not more than fifty percent (50%) 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, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service. . . . .	\$1,882,122
Expense and Equipment. . . . .	<u>25,092</u>
From General Revenue Fund (0101). . . . .	1,907,214

Personal Service . . . . .	4,760,995
Expense and Equipment. . . . .	<u>633,271</u>
From Department of Mental Health Federal Fund (0148). . . . .	5,394,266

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101) . . . . .	191,564
From Department of Mental Health Federal Fund (0148). . . . .	<u>86,462</u>
Total (Not to exceed 232.89 F.T.E.). . . . .	\$7,579,506

**SECTION 10.555.**— To the Department of Mental Health  
For the Division of Developmental Disabilities

For the purpose of funding a comprehensive program located in a city not within a county. The purpose of such program shall be to promote basic scientific research, clinic patient research, and patient care for tuberous sclerosis complex

From General Revenue Fund (0101). . . . .	\$250,000
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**SECTION 10.575.**— To the Department of Mental Health

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101). . . . .	\$1
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**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service. . . . .	\$452,074
Expense and Equipment. . . . .	<u>16,705</u>
From General Revenue Fund (0101) . . . . .	468,779

Personal Service . . . . .	1,235,836
Expense and Equipment. . . . .	<u>120,986</u>
From Department of Health and Senior Services Federal Fund (0143). . . . .	1,356,822
Total (Not to exceed 33.20 F.T.E.). . . . .	\$1,825,601

**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service . . . . .	\$202,557
Expense and Equipment . . . . .	134,634
From General Revenue Fund (0101) . . . . .	<u>337,191</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
Expense and Equipment . . . . .	2,154,464
From Department of Health and Senior Services Federal Fund (0143) . . . . .	<u>4,600,345</u>

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
Expense and Equipment . . . . .	99,525
From Missouri Public Health Services Fund (0298) . . . . .	<u>232,672</u>

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
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Expense and Equipment From Department of Health - Donated Fund (0658) . . . . .	30,000
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Expense and Equipment From Putative Father Registry Fund (0780) . . . . .	25,000
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Expense and Equipment From Organ Donor Program Fund (0824) . . . . .	30,000
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Expense and Equipment From Childhood Lead Testing Fund (0899) . . . . .	5,000
Total (Not to exceed 70.73 F.T.E.) . . . . .	<u>\$5,839,779</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 transfer of refunds set-off against debts as required by Section 143.786,  
RSMo  
From Debt Offset Escrow Fund (0753). . . . . \$20,000

**SECTION 10.618.**— To the Department of Health and Senior Services  
For the purpose of funding Medicaid expenses for the Department of Health  
and Senior Services due to asset limits  
From General Revenue Fund (0101). . . . . \$3,575,354  
From Department of Health and Senior Services Federal Fund (0143)..... 6,428,435  
Total. . . . . \$10,003,789

**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 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. . . . . \$250,000

**SECTION 10.625.**— To the Department of Health and Senior Services  
For the Division of Administration  
For the purpose of receiving and expending grants, donations, contracts, and  
payments from private, federal, and other governmental agencies which  
may become available between sessions of the General Assembly provided  
that the General Assembly shall be notified of the source of any new funds  
and the purpose for which they shall be expended, in writing, prior to the  
use of said funds  
Personal Service. . . . . \$103,019  
Expense and Equipment. . . . . 3,000,001  
From Department of Health and Senior Services Federal Fund (0143)..... 3,103,020

Personal Service . . . . .	104,047
Expense and Equipment. . . . .	347,596
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, provided that not more than three percent

(3%) flexibility is allowed from this section to Section 10.955

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, provided that not more than thirty (30%) flexibility is allowed between personal services and expense and equipment, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service. . . . . 6,395,941

Expense and Equipment. . . . . 100,000

From General Revenue Fund (0101). . . . . 6,495,941

For the purpose of funding program operations and support, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service . . . . . 15,707,763

Expense and Equipment. . . . . 3,837,814

From Department of Health and Senior Services Federal Fund (0143). . . . . 19,545,577

Personal Service . . . . . 1,010,232

Expense and Equipment. . . . . 553,785

From Health Initiatives Fund (0275). . . . . 1,564,017

Personal Service . . . . . 413,425

Expense and Equipment. . . . . 68,053

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 . . . . . 71,577

Expense and Equipment. . . . . 23,785

From Environmental Radiation Monitoring Fund (0656). . . . . 95,362

Personal Service . . . . . 185,118

Expense and Equipment. . . . . 333,830

From Department of Health - Donated Fund (0658). . . . . 518,948

Personal Service .....	208,782
Expense and Equipment.....	66,883
From Hazardous Waste Fund (0676) .....	275,665
Personal Service .....	79,013
Expense and Equipment.....	27,748
From Putative Father Registry Fund (0780).....	106,761
Personal Service .....	112,978
Expense and Equipment.....	131,887
From Organ Donor Program Fund (0824) .....	244,865
Expense and Equipment	
From Governor's Council on Physical Fitness Institution Gift Trust (0924)....	47,500
Total (Not to exceed 535.63 F.T.E.).....	\$29,666,774

**SECTION 10.705.**— To the Department of Health and Senior Services

For the Division of Community and Public Health

For the purpose of funding core public health functions and related expenses,  
provided that not more than three percent (3%) flexibility is allowed  
from this section to Section 10.955

Expense & Equipment	
From General Revenue Fund (0101) .....	\$3,322,692
From Department of Health and Senior Services Federal Fund (0143).....	9,900,000

For the Division of Community and Public Health

For the SAFE-CARE Program, including implementing a regionalized medical  
response to child abuse, providing daily review of cases of children less  
than four (4) years of age under investigation by the Missouri Department  
of Social Services, Children's Division and to provide medical forensics  
training to medical providers and multi-disciplinary team members

Expense & Equipment	
From General Revenue Fund (0101) .....	250,000
Total .....	\$13,472,692

**SECTION 10.710.**— To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Adolescent Health Program

Expense & Equipment	
From Department of Health and Senior Services Federal Fund (0143).....	\$2,186,539

For the purpose of funding the Missouri Donated Dental Services Program

Expense & Equipment	
From General Revenue Fund (0101) .....	90,000

For Brain Injury Waiver

From Department of Health and Senior Services Federal Fund (0143).....	898,993
From Missouri Senior Services Protection Fund (0421) .....	500,000

For the purpose of funding community health programs and related expenses,  
provided that not more than three percent (3%) flexibility is allowed  
from this section to Section 10.955

Expense & Equipment	
From General Revenue Fund (0101) . . . . .	8,404,072
From Department of Health and Senior Services Federal Fund (0143) . . . . .	74,685,954
From Missouri Public Health Services Fund (0298) . . . . .	1,549,750
From Brain Injury Fund (0742) . . . . .	874,900
From C & M Smith Memorial Endowment Trust Fund (0873) . . . . .	10,000
From Missouri Lead Abatement Loan Fund (0893) . . . . .	1,000
From Children's Special Health Care Needs Service Fund (0950) . . . . .	30,000
Total . . . . .	<u>\$89,231,208</u>

**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, provided that not more than three percent (3%) flexibility is  
 allowed from this section to Section 10.955

Expense & Equipment	
From General Revenue Fund (0101) . . . . .	\$500,000
From Missouri Public Health Services Fund (0298) . . . . .	20,000
From Department of Health - Donated Fund (0658) . . . . .	32,548
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>
Total (Not to exceed 8.00 F.T.E.) . . . . .	<u>\$2,832,946</u>

**SECTION 10.714.**— To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 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 as defined in  
 Section 170.015, RSMo. 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 eighteen (18) to fifty-five  
 (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) . . . . .	\$6,153,723
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**SECTION 10.715.**— To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 For the purpose of funding supplemental nutrition programs  
 Expense and Equipment  
 From Department of Health and Senior Services Federal Fund (0143) . . . . .

	\$194,680,851
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**SECTION 10.718.**—To the Department of Health and Senior Services  
For the Division of Community and Public Health  
For the purpose of tobacco cessation

Expense and Equipment	
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 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).. . . . .	1,025,004

Personal Service . . . . .	97,901
Expense and Equipment. . . . .	<u>14,851</u>
From Health Initiatives Fund (0275).. . . . .	112,752

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
From Department of Health-Donated Fund (0658). . . . .	400,000

For the purpose of funding contracts for the Sexual Violence Victims Services,  
Awareness, and Education Program  
Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143).. . . . .	<u>792,134</u>
Total (Not to exceed 18.20 F.T.E.).. . . .	\$3,393,402

**SECTION 10.723.**—To the Department of Health and Senior Services  
For the Division of Community and Public Health  
For the Elks Mobile Dental Clinic

Expense and Equipment	
From Missouri Senior Services Protection Fund (0421). . . . .	\$200,000

**SECTION 10.725.**—To the Department of Health and Senior Services  
For the Division of Community and Public Health  
For the purpose of funding the 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  
Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143).. . . . .	174,446
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From Health Access Incentive Fund (0276) . . . . .	650,000
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565). . . . .	499,752
From Department of Health - Donated Fund (0658). . . . .	706,236
Total. . . . .	<u>\$2,530,434</u>

**SECTION 10.730.**— To the Department of Health and Senior Services  
For the Division of Community and Public Health  
For the Office of Minority Health  
For the purpose of funding program operations and support, provided that  
not more than three percent (3%) flexibility is allowed from this  
section to Section 10.955

Personal Service. . . . .	\$192,042
Expense and Equipment. . . . .	<u>194,240</u>
From General Revenue Fund (0101) . . . . .	386,282

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>\$416,882</u>

**SECTION 10.735.**— To the Department of Health and Senior Services  
For the Division of Community and Public Health  
For the Office of Emergency Coordination, provided that \$1,000,000 be  
used to assist in maintaining the Poison Control Hotline

From General Revenue Fund (0101). . . . .	\$500,000
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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). . . . .	<u>500,000</u>
Total (Not to exceed 33.02 F.T.E.). . . . .	<u>\$17,665,597</u>

**SECTION 10.740.**— To the Department of Health and Senior Services  
For the Division of Community and Public Health  
For the purpose of providing newborn screening services on weekends and  
holidays, provided that not more than three percent (3%) flexibility is  
allowed from this section to Section 10.955

Personal Service. . . . .	\$113,631
Expense and Equipment. . . . .	<u>79,998</u>
From General Revenue Fund (0101) . . . . .	193,629

For the purpose of providing transportation for delivery of cord blood to the St. Louis Public Cord Blood Bank From General Revenue Fund (0101) . . . . .	75,000
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For the purpose of funding the State Public Health Laboratory, provided that  
not more than three percent (3%) flexibility is allowed from this section  
to Section 10.955

Personal Service . . . . .	1,510,766
Expense and Equipment. . . . .	<u>416,580</u>
From General Revenue Fund (0101) . . . . .	1,927,346

Personal Service . . . . .	874,938
Expense and Equipment. . . . .	<u>1,327,250</u>
From Department of Health and Senior Services Federal Fund (0143). . . . .	2,202,188
Personal Service . . . . .	1,420,574
Expense and Equipment. . . . .	<u>5,067,645</u>
From Missouri Public Health Services Fund (0298) . . . . .	6,488,219
Expense and Equipment From Safe Drinking Water Fund (0679). . . . .	434,532
Personal Service . . . . .	17,576
Expense and Equipment. . . . .	<u>46,368</u>
From Childhood Lead Testing Fund (0899). . . . .	63,944
Total (Not to exceed 98.01 F.T.E.). . . . .	<u>\$11,384,858</u>

**SECTION 10.800.**— To the Department of Health and Senior Services  
For the Division of Senior and Disability Services

For the purpose of funding program operations and support, provided that  
not more than three percent (3%) flexibility is allowed from this section  
to Section 10.955

Personal Service. . . . .	\$9,054,992
Expense and Equipment. . . . .	<u>972,465</u>
From General Revenue Fund (0101) . . . . .	10,027,457

Personal Service . . . . .	10,421,233
Expense and Equipment. . . . .	<u>1,174,210</u>
From Department of Health and Senior Services Federal Fund (0143). . . . .	11,595,443
Total (Not to exceed 488.31 F.T.E.). . . . .	<u>\$21,622,900</u>

**SECTION 10.805.**— To the Department of Health and Senior Services  
For the Division of Senior and Disability Services

For the purpose of funding non-Medicaid reimbursable senior and disability  
programs, provided that not more than three percent (3%) flexibility is  
allowed from this section to Section 10.955

Expense and Equipment From General Revenue Fund (0101). . . . .	\$805,065
From Department of Health and Senior Services Federal Fund (0143). . . . .	<u>167,028</u>
Total. . . . .	<u>\$972,093</u>

**SECTION 10.806.**— To the Department of Health and Senior Services  
For the Division of Senior and Disability Services

For the purpose of providing consumer-directed personal care assistance  
services at a rate not to exceed sixty percent (60%) of the average  
monthly Medicaid cost of nursing facility care

Expense and Equipment From General Revenue Fund (0101). . . . .	\$152,621,597
From Department of Health and Senior Services Federal Fund (0143). . . . .	288,331,288
From Missouri Senior Services Protection Fund (0421). . . . .	<u>7,803,248</u>
Total. . . . .	<u>\$448,756,133</u>

**SECTION 10.810.**— 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, provided that no payments are made for consumer-directed personal care assistance services, 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

Expense and Equipment	
From General Revenue Fund (0101) . . . . .	\$154,938,001
From Department of Health and Senior Services Federal Fund (0143) . . . . .	302,632,614
From Missouri Senior Services Protection Fund (0421) . . . . .	13,443,969

For the purpose of funding the Medicaid Home and Community-Based Services Program reassessments, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1,500,000
From Department of Health and Senior Services Federal Fund (0143) . . . . .	1,500,000
Total . . . . .	\$474,014,584

**SECTION 10.815.**— 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment	
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
From Missouri Senior Services Protection Fund (0421) . . . . .	1,325,907
Total . . . . .	\$47,694,585

**SECTION 10.820.**— 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.955  
Expense and Equipment

From General Revenue Fund (0101). . . . . \$450,000  
From Missouri Senior Services Protection Fund (0421) . . . . . 500,000

Caregiver training programs which include in-home visits that delay the institutionalization of persons with dementia  
From General Revenue Fund (0101). . . . . 100,000  
Total. . . . . \$1,050,000

**SECTION 10.825.**— 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.955  
Expense and Equipment

From General Revenue Fund (0101). . . . . \$150,000

**SECTION 10.830.**— 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  
Expense and Equipment

From Missouri Senior Services Protection Fund (0421). . . . . \$200,000

**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service. . . . . \$8,395,815  
Expense and Equipment. . . . . 746,036  
From General Revenue Fund (0101) . . . . . 9,141,851

Personal Service . . . . . 11,936,185  
Expense and Equipment. . . . . 1,233,024

From Department of Health and Senior Services Federal Fund (0143) . . . . .	13,169,209
Personal Service . . . . .	888,730
Expense and Equipment . . . . .	<u>1,022,832</u>
From Nursing Facility Quality of Care Fund (0271) . . . . .	1,911,562
Personal Service . . . . .	76,867
Expense and Equipment . . . . .	<u>10,970</u>
From Health Access Incentive Fund (0276) . . . . .	87,837
Personal Service . . . . .	65,406
Expense and Equipment . . . . .	<u>13,110</u>
From Mammography Fund (0293) . . . . .	78,516
Personal Service . . . . .	219,867
Expense and Equipment . . . . .	<u>57,197</u>
From Early Childhood Development, Education and Care Fund (0859) . . . . .	277,064
For nursing home quality initiatives	
Expense and Equipment	
From Nursing Facility Reimbursement Allowance Fund (0196) . . . . .	<u>725,000</u>
Total (Not to exceed 460.96 F.T.E.) . . . . .	<u>\$25,391,039</u>

**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  
Expense and Equipment  
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, provided that not more than three  
percent (3%) flexibility is allowed from this section to Section 10.955  
Personal Service . . . . . \$110,113  
Expense and Equipment . . . . . 8,568  
From General Revenue Fund (0101) (Not to exceed 2.00 F.T.E.) . . . . . \$118,681

**SECTION 10.955.**— To the Department of Health and Senior Services  
Funds are to be transferred out of the State Treasury, for the payment of  
claims, premiums, and expenses as provided by Section 105.711 through  
105.726, RSMo, to the State Legal Expense Fund  
From General Revenue Fund (0101) . . . . . \$1

**Department of Mental Health Totals**

General Revenue Fund . . . . .	\$801,738,594
Federal Funds . . . . .	1,324,931,255
Other Funds . . . . .	<u>49,829,446</u>
Total . . . . .	<u>\$2,176,499,295</u>

**Department of Health and Senior Services Totals**

General Revenue Fund. . . . .	\$374,903,532
Federal Funds. . . . .	994,051,547
Other Funds. . . . .	44,404,811
Total. . . . .	<u>\$1,413,359,890</u>

Approved June 30, 2017

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 HB 11 [CCS SCS HCS HB 11 ]

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

**Appropriates money for the expenses, grants, and distributions of the Department of Social Services**

AN ACT To appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2017 and ending June 30, 2018; 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 person who or entity which is a provider of abortion services as defined in Section 170.015, RSMo.

*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, 2017 and ending June 30, 2018 as follows:

**SECTION 11.005.**—To the Department of Social Services

For the Office of the Director, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

Personal Service. . . . .	\$104,308
Expense and Equipment. . . . .	33,543
From General Revenue Fund (0101) . . . . .	<u>137,851</u>

Personal Service. . . . .	147,105
Expense and Equipment. . . . .	1,197
From Department of Social Services Federal Fund (0610) . . . . .	<u>148,302</u>

Personal Service	
From Child Support Enforcement Fund (0169). . . . .	30,773
Total (Not to exceed 3.25 F.T.E.). . . . .	<u>\$316,926</u>

**SECTION 11.010.**—To the Department of Social Services

For the Office of the Director

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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).....	33,999
Total.....	<u>\$4,477,551</u>

**SECTION 11.015.**— To the Department of Social Services

For the Office of the Director

For the Human Resources Center, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

Personal Service.....	\$266,353
Expense and Equipment.....	11,036
From General Revenue Fund (0101).....	<u>277,389</u>

Personal Service.....	201,836
Expense and Equipment.....	29,749
From Department of Social Services Federal Fund (0610).....	<u>231,585</u>
Total (Not to exceed 10.52 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

Personal Service.....	\$1,190,957
Expense and Equipment.....	185,578
From General Revenue Fund (0101).....	<u>1,376,535</u>

Personal Service.....	1,614,302
Expense and Equipment.....	860,039
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).....	51,500
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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

Expense and Equipment	
From General Revenue Fund (0101).....	\$442,673
From Department of Social Services Federal Fund (0610).....	<u>1,969,576</u>



Total . . . . . \$2,412,249

**SECTION 11.030.**— To the Department of Social Services

For the Office of the Director

For the purpose of funding recovery audit services

Expense and Equipment

From Recovery Audit and Compliance Fund (0974). . . . . \$1,200,000

**SECTION 11.040.**— To the Department of Social Services

For the Division of Finance and Administrative Services, provided that not

more than three percent (3%) flexibility is allowed from this section to

Section 11.610

Personal Service. . . . . \$1,756,637

Expense and Equipment. . . . . 375,468

From General Revenue Fund (0101) . . . . . 2,132,105

Personal Service. . . . . 1,070,292

Expense and Equipment. . . . . 170,113

From Department of Social Services Federal Fund (0610) . . . . . 1,240,405

Personal Service. . . . . 4,149

Expense and Equipment. . . . . 317

From Department of Social Services Administrative Trust Fund (0545). . . . . 4,466

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). . . . . 1,200,000

Total (Not to exceed 66.00 F.T.E.). . . . . \$4,625,823

**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 Federal and Other Fund (0189) . . . . . 1,500,000

From Temporary Assistance for Needy Families Federal Fund (0199). . . . . 27,000

From Department of Social Services Federal Fund (0610) . . . . . 5,000,000

From Pharmacy Rebates Fund (0114). . . . . 25,000

From Third Party Liability Collections Fund (0120) . . . . . 369,000

From Premium Fund (0885). . . . . 2,650,000

Total . . . . . \$15,099,000

**SECTION 11.055.**— To the Department of Social Services  
 For the Division of Finance and Administrative Services  
 For the purpose of funding payments to counties and the City of St. Louis  
 toward the care and maintenance of each delinquent or dependent child  
 as provided in Section 211.156, RSMo, provided that not more than  
 three percent (3%) flexibility is allowed from this section to Section 11.610  
 From General Revenue Fund (0101) . . . . . \$1,354,000

**SECTION 11.060.**— To the Department of Social Services  
 For the Division of Legal Services, provided that not more than three percent  
 (3%) flexibility is allowed from this section to Section 11.610  
 Personal Service . . . . . \$1,589,443  
 Expense and Equipment . . . . . 18,577  
 From General Revenue Fund (0101) . . . . . 1,608,020

Personal Service . . . . . 3,134,046  
 Expense and Equipment . . . . . 390,834  
 From Department of Social Services Federal Fund (0610) . . . . . 3,524,880

Personal Service . . . . . 583,414  
 Expense and Equipment . . . . . 90,076  
 From Third Party Liability Collections Fund (0120) . . . . . 673,490

Personal Service  
 From Child Support Enforcement Fund (0169) . . . . . 167,287  
 Total (Not to exceed 124.97 F.T.E.) . . . . . \$5,973,677

**SECTION 11.065.**— To the Department of Social Services  
 For the Family Support Division, provided that not more than three percent  
 (3%) flexibility is allowed from this section to Section 11.610  
 Personal Service . . . . . \$1,369,434  
 Expense and Equipment . . . . . 8,407  
 From General Revenue Fund (0101) . . . . . 1,377,841

Personal Service . . . . . 647,812  
 Expense and Equipment . . . . . 1,906,084  
 From Temporary Assistance for Needy Families Federal Fund (0199) . . . . . 2,553,896

Personal Service . . . . . 4,709,051  
 Expense and Equipment . . . . . 8,974,775  
 From Department of Social Services Federal Fund (0610) . . . . . 13,683,826

Personal Service  
 From Child Support Enforcement Fund (0169) . . . . . 564,663  
 Total (Not to exceed 166.21 F.T.E.) . . . . . \$18,180,226

**SECTION 11.070.**— To the Department of Social Services  
 For the Family Support Division  
 For the income maintenance field staff and operations, provided that not  
 more than three percent (3%) flexibility is allowed from this section to  
 Section 11.610  
 Personal Service . . . . . \$14,843,763

Expense and Equipment.....	3,207,874
From General Revenue Fund (0101).....	18,051,637
Personal Service.....	20,002,064
Expense and Equipment.....	2,654,182
From Temporary Assistance for Needy Families Federal Fund (0199).....	22,656,246
Personal Service.....	32,736,970
Expense and Equipment.....	8,050,631
From Department of Social Services Federal Fund (0610).....	40,787,601
Personal Service.....	812,688
Expense and Equipment.....	27,917
From Health Initiatives Fund (0275).....	840,605
Total (Not to exceed 2,052.73 F.T.E.).....	\$82,336,089

**SECTION 11.075.**— To the Department of Social Services

For the Family Support Division

For income maintenance and child support staff training, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

Expense and Equipment	
From General Revenue Fund (0101).....	\$113,693
From Department of Social Services Federal Fund (0610).....	133,974
Total.....	\$247,667

**SECTION 11.080.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding the electronic benefit transfers (EBT) system

Expense and Equipment	
From General Revenue Fund (0101).....	\$1,796,622
From Temporary Assistance for Needy Families Federal Fund (0199).....	146,888
From Department of Social Services Federal Fund (0610).....	1,399,859
Total.....	\$3,343,369

**SECTION 11.085.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding the receipt of funds from the Polk County and Bolivar Charitable Trust for the exclusive benefit and use of the Polk County Office

From Family Services Donations Fund (0167).....	\$10,000
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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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

From General Revenue Fund (0101).....	\$575,453
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,084,032
From Department of Social Services Federal Fund (0610).....	138,339

Total . . . . . \$1,797,824

**SECTION 11.095.**— To the Department of Social Services

For the Family Support Division

For the purpose of planning, designing, and purchasing an eligibility and enrollment system, 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, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

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) . . . . .	<u>1,000,000</u>
Total . . . . .	\$72,026,617

**SECTION 11.100.**— To the Department of Social Services

For the Family Support Division, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.115 and 11.180

For grants and contracts to Community Partnerships and other community initiatives and related expenses, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

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 adolescent boys with the goal of preventing teen pregnancies

From Temporary Assistance for Needy Families Federal Fund (0199) . . . . .	300,000
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For distribution to an organization that: provides structured after school and summer activities for at-risk youth; provides tested, proven and nationally-recognized programs, in addition to the Adolescent Girls (or Boys as appropriate) program; is a member of a national congressionally chartered organization; utilizes trained youth development personnel; and maintains a dedicated youth-centric facility and provides services at a minimum of 10 locations throughout the state, for the purpose of funding a program for adolescent girls with the goal of preventing teen pregnancies

From Temporary Assistance for Needy Families Federal Fund (0199) . . . . .	<u>300,000</u>
Total . . . . .	\$10,279,827

<b>SECTION 11.105.</b> — To the Department of Social Services	
For the Family Support Division	
For the purpose of funding the Food Nutrition and Employment Training Programs. . . . .	\$14,343,755
For the purpose of funding the Missouri SkillUp Program. . . . .	5,500,000
From Department of Social Services Federal Fund (0610). . . . .	\$19,843,755
<b>SECTION 11.110.</b> — 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
<b>SECTION 11.115.</b> — 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 11.180, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610	
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). . . . .	38,257,541
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). . . . .	26,394,658
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 . . . . .	
	1,000,000
For the Summer Jobs Program. . . . .	
	4,000,000
For the purpose of funding the attendance of low-income individuals at adult high schools as designated by the Department of Elementary and Secondary Education. . . . .	
	500,000
For the purpose of funding the Foster Care Jobs program. . . . .	
	1,000,000
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 . . . . .	
	500,000

For Jobs for America's Graduates. . . . .	750,000
From Temporary Assistance for Needy Families Federal Fund (0199). . . . .	<u>17,750,000</u>
Total. . . . .	\$92,114,553

**SECTION 11.120.**— To the Department of Social Services

For the Family Support Division	
For the purpose of funding alternatives to abortion services	
From General Revenue Fund (0101). . . . .	\$2,033,561
From Temporary Assistance for Needy Families Federal Fund (0199). . . . .	4,300,000
From Department of Social Services Federal Fund (0610). . . . .	\$50,000

For the alternatives to abortion public awareness program	
From General Revenue Fund (0101). . . . .	75,000

For the purpose of funding a healthy marriage and father initiative	
From Temporary Assistance for Needy Families Federal Fund (0199). . . . .	<u>1,500,000</u>
Total. . . . .	\$7,958,561

**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). . . . .	\$25,525

**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). . . . .	\$25,420,885

**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). . . . .	\$4,183,950
From Blind Pension Fund (0621). . . . .	<u>35,203,216</u>
Total. . . . .	\$39,387,166

**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 Refugee Act of 1980 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 or other not-for-profit organizations 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 Food Distribution Program and the receipt and  
 disbursement of Donated Food 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  
 For the Family Support Division  
 For the purpose of funding services and programs to assist victims of  
 domestic violence, provided that not more than three percent (3%)  
 flexibility is allowed from this section to Section 11.610  
 From General Revenue Fund (0101). . . . . \$5,000,000  
 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. . . . . \$9,278,661

**SECTION 11.167.**— To the Department of Social Services  
 For the Family Support Division  
 For the Victims of Crime Program  
 Personal Service. . . . . \$221,544  
 Expense and Equipment. . . . . 52,082  
 Program Specific Distribution. . . . . 37,000,000  
 From Department of Social Services Federal Fund (0610)  
 (Not to exceed 6.00 F.T.E.). . . . . \$37,273,626

**SECTION 11.170.**— 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, provided that not more than three percent (3%) flexibility is  
 allowed from this section to Section 11.610  
 From General Revenue Fund (0101). . . . . \$750,000

**SECTION 11.175.**— To the Department of Social Services  
 For the Family Support Division

For the purpose of funding administration of blind services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610	
Personal Service . . . . .	\$793,319
Expense and Equipment . . . . .	<u>132,737</u>
From General Revenue Fund (0101) . . . . .	926,056
Personal Service . . . . .	3,069,328
Expense and Equipment . . . . .	<u>743,274</u>
From Department of Social Services Federal Fund (0610) . . . . .	<u>3,812,602</u>
Total (Not to exceed 102.69 F.T.E.) . . . . .	\$4,738,658

**SECTION 11.180.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding services for the visually impaired, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.100 and 11.115, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610	
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 11.185.**— To the Department of Social Services

For the Family Support Division

For the purpose of supporting business enterprise programs for the blind	
From Department of Social Services Federal Fund (0610) . . . . .	\$35,000,000

**SECTION 11.190.**— 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, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610	
Personal Service . . . . .	\$2,963,857
Expense and Equipment . . . . .	<u>3,867,086</u>
From General Revenue Fund (0101) . . . . .	6,830,943
Personal Service . . . . .	16,101,938
Expense and Equipment . . . . .	<u>7,192,819</u>
From Department of Social Services Federal Fund (0610) . . . . .	<u>23,294,757</u>
Personal Service . . . . .	2,151,189
Expense and Equipment . . . . .	<u>959,784</u>
From Child Support Enforcement Fund (0169) . . . . .	3,110,973
For Child Support Mediation	
Expense and Equipment	
From Child Support Enforcement Fund (0169) . . . . .	<u>615,000</u>



Total (Not to exceed 651.24 F.T.E.) . . . . . \$33,851,673

**SECTION 11.195.**— 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

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 . . . . .	<u>\$17,527,285</u>

**SECTION 11.200.**— 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) . . . . .	\$51,500,000
From Debt Offset Escrow Fund (0753) . . . . .	9,000,000
Total . . . . .	<u>\$60,500,000</u>

**SECTION 11.205.**— 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
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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 . . . . .	<u>\$1,200,000</u>

**SECTION 11.210.**— To the Department of Social Services

For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

Personal Service . . . . .	\$717,370
Expense and Equipment . . . . .	30,236
From General Revenue Fund (0101) . . . . .	<u>747,606</u>

Personal Service . . . . .	3,267,224
Expense and Equipment . . . . .	2,661,367
From Department of Social Services Federal Fund (0610) . . . . .	<u>5,928,591</u>

Personal Service . . . . .	46,745
Expense and Equipment . . . . .	11,548
From Early Childhood Development, Education and Care Fund (0859) . . . . .	<u>58,293</u>

Expense and Equipment	
From Third Party Liability Collections Fund (0120) . . . . .	50,000
Total (Not to exceed 88.00 F.T.E.) . . . . .	<u>\$6,784,490</u>

**SECTION 11.215.**— To the Department of Social Services  
For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610  
For the Children's Division field staff and operations

Personal Service.....	\$32,045,990
Expense and Equipment.....	<u>2,248,361</u>
From General Revenue Fund (0101).....	34,294,351
Personal Service.....	45,837,355
Expense and Equipment.....	<u>4,378,301</u>
From Department of Social Services Federal Fund (0610).....	50,215,656
Personal Service.....	72,530
Expense and Equipment.....	<u>27,846</u>
From Health Initiatives Fund (0275).....	100,376
For the purpose of funding recruitment and retention services	
From General Revenue Fund (0101).....	572,787
From Department of Social Services Federal Fund (0610).....	<u>793,132</u>
Total (Not to exceed 1,959.38 F.T.E.).....	\$85,976,302

**SECTION 11.220.**— To the Department of Social Services  
For the Children's Division  
For Children's Division staff training, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610  
Expense and Equipment

From General Revenue Fund (0101).....	\$979,766
From Department of Social Services Federal Fund (0610).....	<u>491,992</u>
Total.....	\$1,471,758

**SECTION 11.225.**— To the Department of Social Services  
For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610  
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).....	\$12,493,368
From Temporary Assistance for Needy Families Federal Fund (0199).....	2,573,418
From Department of Social Services Federal Fund (0610).....	<u>7,088,175</u>
For the purpose of funding crisis care	
From General Revenue Fund (0101).....	<u>2,050,000</u>
Total.....	\$24,204,961

**SECTION 11.230.**— 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
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For the purpose of funding certificates to low-income, at-home families pursuant to Chapter 313, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

From General Revenue Fund (0101) . . . . .	3,074,500
Total . . . . .	<u>\$4,364,500</u>

**SECTION 11.235.**— 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) . . . . .	\$80,096,892
From Department of Social Services Federal Fund (0610) . . . . .	40,073,028
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 programs

From Foster Care and Adoptive Parents Recruitment and Retention Fund (0979) . . . . .	15,000
Total . . . . .	<u>\$122,051,305</u>

**SECTION 11.240.**— To the Department of Social Services

For the Children's Division

For the purpose of funding contractual payments for expenses related to training of foster parents

From General Revenue Fund (0101) . . . . .	\$403,479
From Department of Social Services Federal Fund (0610) . . . . .	172,920
Total . . . . .	<u>\$576,399</u>

**SECTION 11.245.**— 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

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) . . . . .	1,050,000
Total . . . . .	<u>\$1,688,848</u>

**SECTION 11.250.**— 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

From General Revenue Fund (0101) . . . . .	\$21,814,120
From Department of Social Services Federal Fund (0610) . . . . .	<u>17,369,683</u>
Total . . . . .	<u>\$39,183,803</u>

**SECTION 11.255.**— 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) . . . . .	\$64,770,054
From Department of Social Services Federal Fund (0610) . . . . .	<u>23,708,742</u>
Total . . . . .	<u>\$88,478,796</u>

**SECTION 11.260.**— To the Department of Social Services

For the Children's Division

For the purpose of funding Adoption Resource Centers, provided that not more than fifty percent (50%) flexibility is allowed between this subsection and the extreme recruitment program within this section

From General Revenue Fund (0101) . . . . .	\$800,000
From Department of Social Services Federal Fund (0610) . . . . .	600,000

For the purpose of funding extreme recruitment for older youth with significant mental health and behavioral issues, provided that not more than fifty percent (50%) flexibility is allowed between this subsection and adoption resource centers within this section

From General Revenue Fund (0101) . . . . .	875,000
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) . . . . .	600,000
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For a foster care resource center in southeast Missouri

From General Revenue Fund (0101) . . . . .	<u>75,000</u>
Total . . . . .	<u>\$3,850,000</u>

**SECTION 11.265.**— 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 11.270.**— To the Department of Social Services

For the Children's Division

For the purpose of funding Regional Child Assessment Centers, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

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 11.275.**— 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 11.280.**— 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 11.285.**— 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 11.290.**— 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 11.295.**— To the Department of Social Services

For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

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; provided that, effective July 1, 2017, 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, and further provided that the Children's Division may provide one-time funding to providers, not to exceed \$5,000 per provider, to assist providers who otherwise meet the department's qualifications, to meet requirements for accreditation

From General Revenue Fund (0101) . . . . .	\$33,782,158
From Department of Social Services Federal Fund (0610) . . . . .	103,059,215
From Temporary Assistance for Needy Families Fund (0199) . . . . .	37,857,515
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
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From Department of Social Services Federal Fund (0610) . . . . .	60,000
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Total (Not to exceed 13.00 F.T.E.) . . . . .	\$186,413,888
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**SECTION 11.300.**— To the Department of Social Services

For the Division of Youth Services

For the purpose of funding Central Office and regional offices, provided that not more than three percent (3%) flexibility is allowed from this section to

Section 11.610

Personal Service . . . . .	\$1,206,758
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Expense and Equipment . . . . .	80,694
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From General Revenue Fund (0101) . . . . .	1,287,452
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Personal Service . . . . .	510,202
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Expense and Equipment . . . . .	100,340
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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 39.33 F.T.E.) . . . . .	\$1,898,993
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**SECTION 11.305.**— 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610	
Personal Service . . . . .	\$16,397,242
Expense and Equipment . . . . .	845,482
From General Revenue Fund (0101) . . . . .	<u>17,242,724</u>
Personal Service . . . . .	23,551,221
Expense and Equipment . . . . .	6,496,018
From Department of Social Services Federal Fund (0610) . . . . .	<u>30,047,239</u>
Personal Service . . . . .	3,238,539
Expense and Equipment . . . . .	3,852,302
From DOSS Educational Improvement Fund (0620) . . . . .	<u>7,090,841</u>
Personal Service . . . . .	136,085
Expense and Equipment . . . . .	9,106
From Health Initiatives Fund (0275) . . . . .	<u>145,191</u>
Expense and Equipment	
From Youth Services Products Fund (0764) . . . . .	5,000
For the purpose of paying overtime to non-exempt state employees and/or paying otherwise authorized personal service expenditures in lieu of such overtime payments; non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds to be used to pay overtime to any other state employees	
From General Revenue Fund (0101) . . . . .	890,764
For the purpose of funding payment distribution of Social Security benefits received on behalf of youth in care	
From Division of Youth Services Child Benefits Fund (0727) . . . . .	200,000
Total (Not to exceed 1,213.88 F.T.E.) . . . . .	<u>\$55,621,759</u>
<b>SECTION 11.310.</b> — 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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610	
From General Revenue Fund (0101) . . . . .	\$3,479,486
From Gaming Commission Fund (0286) . . . . .	500,000
Total . . . . .	<u>\$3,979,486</u>
<b>SECTION 11.400.</b> — To the Department of Social Services	
For the MO HealthNet Division	
For the purpose of funding administrative services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610	
Personal Service . . . . .	\$2,651,172
Expense and Equipment . . . . .	693,766
From General Revenue Fund (0101) . . . . .	<u>3,344,938</u>
Personal Service . . . . .	5,548,030

Expense and Equipment . . . . .	3,339,673
From Department of Social Services Federal Fund (0610) . . . . .	8,887,703
Personal Service . . . . .	97,661
Expense and Equipment . . . . .	7,708
From Federal Reimbursement Allowance Fund (0142) . . . . .	105,369
Personal Service . . . . .	26,602
Expense and Equipment . . . . .	356
From Pharmacy Reimbursement Allowance Fund (0144) . . . . .	26,958
Personal Service . . . . .	430,332
Expense and Equipment . . . . .	41,385
From Health Initiatives Fund (0275) . . . . .	471,717
Personal Service . . . . .	86,032
Expense and Equipment . . . . .	10,281
From Nursing Facility Quality of Care Fund (0271) . . . . .	96,313
Personal Service . . . . .	398,428
Expense and Equipment . . . . .	488,041
From Third Party Liability Collections Fund (0120) . . . . .	886,469
Personal Service . . . . .	775,206
Expense and Equipment . . . . .	55,553
From Missouri Rx Plan Fund (0779) . . . . .	830,759
Personal Service . . . . .	18,379
Expense and Equipment . . . . .	3,466
From Ambulance Service Reimbursement Allowance Fund (0958) . . . . .	21,845
Personal Service . . . . .	44,817
Expense and Equipment . . . . .	5,302
From Ground Emergency Medical Transportation Fund (0422) . . . . .	50,119
Total (Not to exceed 225.86 F.T.E.) . . . . .	\$14,722,190

**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, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

Expense and Equipment

From General Revenue Fund (0101) . . . . .	\$461,917
From Department of Social Services Federal Fund (0610) . . . . .	12,214,032
From Third Party Liability Collections Fund (0120) . . . . .	924,911
From Missouri Rx Plan Fund (0779) . . . . .	1,560,595
Total . . . . .	\$15,161,455

**SECTION 11.410.**— To the Department of Social Services

For the MO HealthNet Division



For the purpose of funding women and minority health care outreach programs, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.435, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.510, 11.555, and 11.600, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

Expense and Equipment	
From General Revenue Fund (0101) . . . . .	\$529,796
From Department of Social Services Federal Fund (0610) . . . . .	568,625
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) . . . . .	3,000,000
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 that not more than three percent (3%) flexibility is allowed from this section to Section 11.610, and further provided that no additional funds shall be expended to further amend contract C214047001 pursuant to Amendment #002 beyond December 31, 2017, and further provided the department shall complete the competitive Request for Proposal for Health Information Exchange Network to be effective January 1, 2018

From General Revenue Fund (0101) . . . . .	\$11,777,149
From Department of Social Services Federal Fund (0610) . . . . .	53,664,294
From Health Initiatives Fund (0275) . . . . .	1,591,687
From Uncompensated Care Fund (0108) . . . . .	430,000
Total . . . . .	<u>\$67,463,130</u>

**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) . . . . .	\$35,000,000
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**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
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**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 for Medicare Part D Clawback payments and for administration of these programs, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610.

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, professional fees for pharmacists, professional fees implementing the CMS Covered Outpatient Therapy rule, a generic incentive adjustment of \$1, a comprehensive chronic care risk management program, and 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, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.510, 11.555, and 11.600

From General Revenue Fund (0101) . . . . .	\$124,739,301
From Title XIX - Federal Fund (0163) . . . . .	848,208,598
From Pharmacy Rebates Fund (0114) . . . . .	236,745,912
From Third Party Liability Collections Fund (0120) . . . . .	4,217,574
From Pharmacy Reimbursement Allowance Fund (0144) . . . . .	64,827,527
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, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.510, 11.555, and 11.600

From General Revenue Fund (0101) . . . . .	228,376,331
Total . . . . .	\$1,525,014,843

**SECTION 11.436.**— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding pharmaceutical payments under the Missouri Rx Plan authorized by Sections 208.780 through 208.798, RSMo. for individuals who are eligible for both MO HealthNet and Medicare

From General Revenue Fund (0101) . . . . .	\$6,907,477
From Missouri Rx Plan Fund (0779) . . . . .	4,655,326
Total . . . . .	\$11,562,803

**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

**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 for Medicare parity payments for primary care physicians relating to maternal-fetal medicine, neonatology and pediatric cardiology, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.410, 11.435, 11.460, 11.465, 11.470, 11.480, 11.490, 11.510, 11.555, and 11.600

From General Revenue Fund (0101). . . . . \$98,546,943  
 From Title XIX - Federal Fund (0163). . . . . 213,853,273  
 From Third Party Liability Collections Fund (0120). . . . . 241,046  
 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

For the purpose of funding a pilot program that focuses on providing clinical and case management support for pregnant women who are opioid addicted or display key risk factors which indicate a likelihood for addiction; the primary objective of such program(s) shall be avoiding births requiring extraordinary care due to Neonatal Abstinence Syndrome; the secondary objective is the treatment of the mother for substance use

From General Revenue Fund (0101). . . . . 500,000  
 From Title XIX - Federal Fund (0163). . . . . 898,993  
 Total. . . . . \$327,303,213

**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, 11.465, 11.470, 11.480, 11.490, 11.510, 11.555, and 11.600

From General Revenue Fund (0101). . . . . \$478,690  
 From Title XIX - Federal Fund (0163). . . . . 2,522,837  
 From Health Initiatives Fund (0275). . . . . 71,162  
 From Healthy Families Trust Fund (0625). . . . . 848,773  
 Total. . . . . \$3,921,462

**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, 11.470, 11.480, 11.490, 11.510, 11.555, and 11.600, and further provided that not more than three percent (3%) flexibility is allowed from this section to section 11.610

From General Revenue Fund (0101) . . . . .	\$88,605,500
From Title XIX - Federal Fund (0163) . . . . .	<u>172,608,746</u>
Total . . . . .	\$261,214,246

**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 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, 11.480, 11.490, 11.510, 11.555, and 11.600

From General Revenue Fund (0101) . . . . .	\$134,380,603
From Title XIX - Federal Fund (0163) . . . . .	378,476,928
From Uncompensated Care Fund (0108) . . . . .	58,516,478
From Healthy Families Trust Fund (0625) . . . . .	17,973
From Third Party Liability Collections Fund (0120) . . . . .	6,992,981
From Missouri Senior Services Protection Fund (0421) . . . . .	11,072,091

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, 11.480, 11.490, 11.510, 11.555, and 11.600

From General Revenue Fund (0101) . . . . .	2,469,633
From Title XIX - Federal Fund (0163) . . . . .	4,724,257
From Health Initiatives Fund (0275) . . . . .	<u>159,305</u>
Total . . . . .	\$596,810,249

**SECTION 11.475.**— 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 Fund (0163) . . . . .	\$7,036,964
From Long Term Support UPL Fund (0724) . . . . .	<u>3,913,804</u>
Total . . . . .	\$10,950,768

**SECTION 11.480.**— 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, 11.490, 11.510, 11.555, and 11.600

From General Revenue Fund (0101) . . . . .	\$82,582,600
From Title XIX - Federal Fund (0163) . . . . .	155,500,913
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) . . . . .	24,180,182

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) . . . . .	500,000
From Title XIX - Federal (0163) . . . . .	898,993

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, 11.490, 11.510, 11.555, and 11.600

From General Revenue Fund (0101) . . . . .	13,297,060
From Title XIX - Federal Fund (0163) . . . . .	27,275,546

For the purpose of funding the federal share of MO HealthNet reimbursable non-emergency medical transportation for public entities

From Title XIX - Federal Fund (0163) . . . . .	6,460,100
Total . . . . .	\$313,136,063

**SECTION 11.485.**— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding payments to providers of ground emergency medical transportation

From Title XIX - Federal Fund (0163) . . . . .	\$53,084,513
From Ground Emergency Medical Transportation Fund (0422) . . . . .	<u>30,875,733</u>
Total . . . . .	\$83,960,246

**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; 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, 11.480, 11.510, 11.555, and 11.600, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

From General Revenue Fund (0101) . . . . .	\$4,166,960
From Title XIX - Federal Fund (0163) . . . . .	<u>7,487,577</u>
Total . . . . .	\$11,654,537

**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) . . . . .	\$20,837,332
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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) . . . . .	\$20,837,332
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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 said plans as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo., provided the department shall implement programs or measures to achieve cost-savings through emergency room services reform, and further provided that MO HealthNet Managed Care eligibles described in Section 501(a)(1)(D) of Title V of the Social Security Act may voluntarily enroll in the Managed Care Program

From General Revenue Fund (0101) . . . . .	\$458,560,957
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From Title XIX - Federal Fund (0163) . . . . .	1,464,071,911
From Uncompensated Care Fund (0108). . . . .	33,848,436
From Federal Reimbursement Allowance Fund (0142) . . . . .	192,526,292
From Health Initiatives Fund (0275). . . . .	18,590,380
From Healthy Families Trust Fund (0625). . . . .	48,358,354
From Life Sciences Research Trust Fund (0763). . . . .	35,724,296
From Premium Fund (0885) . . . . .	10,716,411
From Ambulance Service Reimbursement Allowance Fund (0958). . . . .	1,702,257
Total. . . . .	<u>\$2,264,099,294</u>

**SECTION 11.506.**— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding fee-for-service run-out claims as a result of  
statewide expansion of managed care

From General Revenue Fund (0101). . . . .	\$20,723,329
From Title XIX - Federal Fund (0163). . . . .	37,590,603
Total. . . . .	<u>\$58,313,932</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 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, 11.480, 11.490, 11.555, and 11.600

From General Revenue Fund (0101). . . . .	\$8,907,792
From Title XIX - Federal Fund (0163) . . . . .	246,794,653
From Federal Reimbursement Allowance Fund (0142) . . . . .	87,906,216
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) . . . . .	100,000
From Title XIX - Federal Fund (0163) . . . . .	300,000
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) . . . . .	100,000
From Title XIX - Federal Fund (0163) . . . . .	315,000
From Federal Reimbursement Allowance Fund (0142) . . . . .	215,000

For the purpose of funding an evaluation of the Missouri Medicaid ER Reduction Program (MMERP), designed to reduce avoidable use of hospital emergency departments by Medicaid enrollees

From Federal Reimbursement Allowance Fund (0142) . . . . .	100,000
Total . . . . .	\$385,319,814

**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 Fund (0163) . . . . .	\$13,722,792
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**SECTION 11.520.**— To the Department of Social Services

For the MO HealthNet Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.610

For the purpose of funding grants to Federally Qualified Health Centers

From General Revenue Fund (0101) . . . . .	\$5,165,350
From Title XIX - Federal Fund (0163) . . . . .	5,203,372

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
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From Title XIX - Federal Fund (0163) . . . . .	1,000,000
Total . . . . .	\$12,368,722

**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 Title XIX - Federal Fund (0163) . . . . .	\$5,208,568
From Federal Reimbursement Allowance Fund (0142) . . . . .	2,896,598
Total . . . . .	\$8,105,166

**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). . . . . \$1,280,818,734

**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 Title XIX - Federal Fund (0163). . . . . \$41,182,649

From Department of Social Services Intergovernmental Transfer Fund (0139). . . . . 23,348,801

Total. . . . . \$64,531,450

**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 Title XIX - Federal Fund (0163). . . . . \$277,048,873

From Department of Social Services Intergovernmental Transfer Fund (0139). . . . . 147,977,007

Total. . . . . \$425,025,880

**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, 11.480, 11.490, 11.510, and 11.600

From General Revenue Fund (0101). . . . . \$15,558,408

From Title XIX - Federal Fund (0163). . . . . 70,241,086

From Federal Reimbursement Allowance Fund (0142).....	7,719,204
Total.....	<u>\$93,518,698</u>

**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, provided that not more than three percent (3%) flexibility is  
allowed from this section to Section 11.610

From General Revenue Fund (0101).....	\$3,510,090
From Title XIX - Federal Fund (0163).....	10,458,712
From Department of Social Services Federal Fund (0610).....	20,000
Total.....	<u>\$13,988,802</u>

**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).....	\$653,701,378
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**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).....	\$653,701,378
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**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
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**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
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**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
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**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).....	\$351,448,765
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**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 Fund (0163). . . . .	34,653,770
Total. . . . .	<u>\$34,896,295</u>

**SECTION 11.600.**— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding medical benefits for blind individuals

ineligible for MO HealthNet coverage 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 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, 11.480, 11.490, 11.510, and 11.555, and further

provided that not more than three percent (3%) flexibility is allowed

from this section to Section 11.610

From General Revenue Fund (0101). . . . .	\$26,672,798
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**SECTION 11.610.**— To the Department of Social Services

Funds are to be transferred out of the State Treasury, for the payment of

claims, premiums, and expenses as provided by Section 105.711 through

105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101). . . . .	\$1
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**Bill Totals**

General Revenue Fund. . . . .	\$1,725,735,415
Federal Funds. . . . .	4,827,536,467
Other Funds. . . . .	<u>2,813,973,020</u>
Total. . . . .	<u>\$9,367,244,902</u>

Approved June 30, 2017

## HB 12 [CCS SCS HCS HB 12 ]

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

**Appropriates money for 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 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, 2017 and ending June 30, 2018.

*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, 2017 and ending June 30, 2018 as follows:

**SECTION 12.005.**— To the Governor

Personal Service and/or Expense and Equipment. . . . .	\$2,126,258
Personal Service and/or Expense and Equipment for the Mansion. . . . .	99,199
From General Revenue Fund (0101) (Not to exceed 24.00 F.T.E.). . . . .	\$2,225,457

**SECTION 12.006.**— To the Governor

For Constituent Services

Personal Service

From General Revenue Fund (0101). . . . .	\$79,454
From DOLIR Administrative Fund (0122). . . . .	19,989
From Job and Development Training Fund (0155). . . . .	8,395
From DNR Cost Allocation Fund (0500). . . . .	12,550
From DIFP Administrative Fund (0503). . . . .	12,710
From Department of Economic Development Administrative Fund (0547). . . . .	10,617
From Guaranty Agency Operating Fund (0880). . . . .	1,147
From Agriculture Protection Fund (0970). . . . .	2,569
Total (Not to exceed 3.00 F.T.E.). . . . .	\$147,431

**SECTION 12.007.**— To the Governor

For Board and Commissions

Personal Service

From General Revenue Fund (0101). . . . .	\$48,247
From Vocational Rehabilitation Fund (0104). . . . .	1,592

From DOLIR Administrative Fund (0122) . . . . .	5,153
From Department of Mental Health Federal Fund (0148) . . . . .	3,435
From Job Development and Training Fund (0155) . . . . .	4,964
From Elevator Safety Fund (0257) . . . . .	978
From Gaming Commission Fund (0286) . . . . .	6,475
From Veterans Commission Capital Improvement Trust Fund (0304) . . . . .	6,475
From DNR Cost Allocation Fund (0500) . . . . .	14,600
From State Facilities Maintenance and Operation Fund (0501) . . . . .	4,579
From Department of Economic Development Administrative Fund (0547) . . . . .	6,279
From Division of Credit Unions Fund (0548) . . . . .	859
From Division of Finance Fund (0550) . . . . .	1,718
From Deaf Relay Service and Equipment Distribution Program Fund (0559) . . . . .	859
From Insurance Dedicated Fund (0566) . . . . .	1,718
From Chemical Emergency Preparedness Fund (0587) . . . . .	627
From Professional Registration Fees Fund (0689) . . . . .	29,200
From Boiler and Pressure Vessels Safety Fund (0744) . . . . .	627
From Missouri Explosives Safety Act Administration Fund (0804) . . . . .	277
From Guaranty Agency Operating Fund (0880) . . . . .	344
From Agriculture Protection Fund (0970) . . . . .	7,730
Total (Not to exceed 3.00 F.T.E.) . . . . .	<u>\$146,736</u>

**SECTION 12.008.**— To the Governor  
For the Chief Operating Officer (COO)

Personal Service

From General Revenue Fund (0101) . . . . .	\$113,987
From DOLIR Administrative Fund (0122) . . . . .	1,495
From DNR Cost Allocation Fund (0500) . . . . .	3,518
From State Facilities Maintenance and Operation Fund (0501) . . . . .	3,882
From DIFP Administrative Fund (0503) . . . . .	1,201
From Agriculture Protection Fund (0970) . . . . .	917
Total (Not to exceed 1.00 F.T.E.) . . . . .	<u>\$125,000</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
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**SECTION 12.015.**— To the Governor

For conducting special audits

From General Revenue Fund (0101) . . . . .	\$30,000
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**SECTION 12.020.**— To the Lieutenant Governor

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) (Not to exceed 8.00 F.T.E.) . . . . .	\$538,425
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**SECTION 12.025.**— To the Secretary of State

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) . . . . .	\$10,478,738
From Secretary of State - Federal Fund (0195) . . . . .	481,640
From Secretary of State's Technology Trust Fund Account (0266) . . . . .	3,537,197
From Local Records Preservation Fund (0577) . . . . .	1,350,008
From Wolfner Library Trust Fund (0928) . . . . .	30,000

From Investor Education and Protection Fund (0829) . . . . .	1,743,206
From Election Administration Improvements Fund (0157). . . . .	<u>1,778,713</u>
Total (Not to exceed 269.30 F.T.E.). . . . .	\$19,399,502

**SECTION 12.030.**— 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 12.035.**— 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 12.040.**— 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 12.045.**— To the Secretary of State

For expenses of initiative referendum and constitutional amendments

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

**SECTION 12.050.**— To the Secretary of State

For election costs associated with absentee ballots

From General Revenue Fund (0101). . . . . \$50,000

**SECTION 12.055.**— 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 12.060.**— 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). . . . . \$3,584,000

**SECTION 12.065.**— 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 12.070.**— 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 12.075.**— To the Secretary of State

For historical repository grants

From Secretary of State Records - Federal Fund (0150) . . . . . \$50,000

**SECTION 12.080.**— To the Secretary of State

For local records preservation grants

From Local Records Preservation Fund (0577) . . . . . \$400,000

**SECTION 12.085.**— 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 12.090.**— To the Secretary of State

For aid to public libraries

From General Revenue Fund (0101) . . . . . \$2,323,776

**SECTION 12.095.**— To the Secretary of State

For the Remote Electronic Access for Libraries Program

From General Revenue Fund (0101) . . . . . \$2,000,000

**SECTION 12.100.**— 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 12.105.**— To the Secretary of State

For library networking grants and other grants and donations

From Library Networking Fund (0822) . . . . . \$1,110,000

**SECTION 12.110.**— To the Secretary of State

Funds are to be transferred out of the State Treasury, chargeable to the  
General Revenue Fund, to the Library Networking Fund

From General Revenue Fund (0101) . . . . . \$800,000

**SECTION 12.115.**— 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 12.120.**— 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 12.125.**— To the State Treasurer

For issuing duplicate checks or drafts and outlawed checks as provided by law	
From General Revenue Fund (0101) . . . . .	\$2,000,000

**SECTION 12.130.**— To the State Treasurer

For payment of claims for abandoned property transferred by holders to the state	
From Abandoned Fund Account (0863) . . . . .	\$39,300,000

**SECTION 12.135.**— 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) . . . . .	\$2,000,000

**SECTION 12.140.**— 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) . . . . .	\$45,000,000

**SECTION 12.145.**— To the State Treasurer

For refunds of excess interest from the Linked Deposit Program	
From General Revenue Fund (0101) . . . . .	\$2,500

**SECTION 12.150.**— 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 12.155.**— 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) . . . . .	\$1,000,000

**SECTION 12.160.**— 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) . . . . .	\$3,000,000



**SECTION 12.165.**— 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) . . . . .	27,712
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 397.05 F.T.E.) . . . . .	<u>\$25,523,448</u>

**SECTION 12.170.**— To the Attorney General

For law enforcement, domestic violence, and victims' services

Expense and Equipment	
From Attorney General - Federal Fund (0136) . . . . .	\$100,000

**SECTION 12.175.**— 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) . . . . .	<u>2,082,390</u>
Total (Not to exceed 28.00 F.T.E.) . . . . .	<u>\$2,808,239</u>

**SECTION 12.180.**— To the Attorney General

For the Missouri Office of Prosecution Services

Personal Service and/or Expense and Equipment	
From General Revenue Fund (0101) . . . . .	\$185,120
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>\$3,449,763</u>

**SECTION 12.185.**— 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 12.190.**— 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 12.195.**— 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 12.200.**— 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 salaries of Supreme Court Judges and Chief Justice, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365, and further provided that zero flexibility is allowed for appropriations for the salaries of the Chief Justice, Supreme Court Judges, Appeals Court Judges, Circuit Court Judges, Associate Circuit Court Judges, Senior Judges, Probate Commissioners, Deputy Probate Commissioners, Drug Court Commissioners, and Family Court Commissioners  
Personal Service . . . . . \$1,224,131

For the purpose of funding Judicial Proceedings and Review, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Services . . . . . 3,046,227

Expense and Equipment . . . . . 1,012,409

From General Revenue Fund (0101) . . . . . 5,282,767

Personal Service

From Judiciary - Federal Fund (0137) . . . . . 518,532

Expense and Equipment

From Supreme Court Publications Revolving Fund (0525) . . . . . 150,000

Total (Not to exceed 83.00 F.T.E.) . . . . . \$5,951,299

**SECTION 12.305.**— To the Supreme Court

For the purpose of funding the State Courts Administrator and implementing and supporting an integrated case management system, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent

(25%) flexibility is allowed between Sections 12.300 thru 12.370,  
 excluding Sections 12.320 and 12.365

Personal Service. . . . .	\$6,848,868
Expense and Equipment. . . . .	4,760,358
From General Revenue Fund (0101) . . . . .	<u>11,609,226</u>

Expense and Equipment From State Court Administration Revolving Fund (0831) . . . . .	60,000
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Expense and Equipment From Crime Victims' Compensation Fund (0681) . . . . .	887,200
Total (Not to exceed 136.00 F.T.E.) . . . . .	<u>\$12,556,426</u>

**SECTION 12.310.**— To the Supreme Court

For the purpose of funding court improvement projects and receiving grants  
 and contributions of funds from the federal government or from any  
 other source which may be deposited into the State treasury for use of  
 the Supreme Court and other state courts, provided that twenty-five  
 percent (25%) flexibility is allowed between personal services and  
 expense and equipment, and further provided that twenty-five percent  
 (25%) flexibility is allowed between Sections 12.300 thru 12.370,  
 excluding Sections 12.320 and 12.365

Personal Service. . . . .	\$2,419,416
Expense and Equipment. . . . .	5,609,649
From Judiciary - Federal Fund (0137) . . . . .	<u>8,029,065</u>

Personal Service. . . . .	93,632
Expense and Equipment . . . . .	4,866
Program Specific Distribution. . . . .	5,000,000
From Basic Civil Legal Services Fund (0757) . . . . .	<u>5,098,498</u>
Total (Not to exceed 48.25 F.T.E.) . . . . .	<u>\$13,127,563</u>

**SECTION 12.315.**— To the Supreme Court

For the purpose of funding the development and implementation of a  
 program of statewide court automation, provided that twenty-five  
 percent (25%) flexibility is allowed between personal services and  
 expense and equipment, and further provided that twenty-five percent  
 (25%) flexibility is allowed between Sections 12.300 thru 12.370,  
 excluding Sections 12.320 and 12.365

Personal Service. . . . .	\$1,655,364
Expense and Equipment. . . . .	3,595,125
From Statewide Court Automation Fund (0270) (Not to exceed 34.00 F.T.E.) . . . . .	<u>\$5,250,489</u>

**SECTION 12.320.**— There is 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
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**SECTION 12.325.**— To the Supreme Court

For Judicial Education and Training, provided that twenty-five percent  
 (25%) flexibility is allowed between personal services and expense  
 and equipment, and further provided that twenty-five percent (25%)

flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service . . . . .	\$593,454
Expense and Equipment . . . . .	843,688
From Education and Training Fund (0847). . . . .	<u>1,437,142</u>

Expense and Equipment	
From Judiciary - Federal Fund (0137). . . . .	225,000
Total (Not to exceed 11.00 F.T.E.). . . . .	<u>\$1,662,142</u>

**SECTION 12.330.**— To the Supreme Court

For the purpose of funding the 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 clerical weighted workload model pursuant to Section 477.405, RSMo

Expense and Equipment, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From General Revenue Fund (0101). . . . .	\$100,000
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**SECTION 12.335.**— To the Supreme Court

For the salaries of Appeals Court Judges,

Personal Service . . . . .	\$5,083,142
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For the purpose of funding the three (3) Courts of Appeals, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365, and further provided that zero flexibility is allowed for appropriations for the salaries of the Chief Justice, Supreme Court Judges, Appeals Court Judges, Circuit Court Judges, Associate Circuit Court Judges, Senior Judges, Probate Commissioners, Deputy Probate Commissioners, Drug Court Commissioners, and Family Court Commissioners

Personal Service . . . . .	5,999,226
Expense and Equipment . . . . .	1,056,933
From General Revenue Fund (0101) (Not to exceed 159.35 F.T.E.). . . . .	<u>\$12,139,301</u>

**SECTION 12.340.**— To the Supreme Court

For the salaries of the Circuit Court Judges, Associate Circuit Court Judges, Senior Judges, Probate Commissioners, Deputy Probate Commissioners, Drug Court Commissioners, and Family Court Commissioners Personal Service, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365, and further provided that zero flexibility is allowed for appropriations for the salaries of the Chief Justice, Supreme Court Judges, Appeals Court Judges, Circuit Court Judges, Associate Circuit Court Judges, Senior Judges, Probate Commissioners, Deputy Probate Commissioners, Drug Court Commissioners, and Family Court Commissioners

From General Revenue Fund (0101). . . . . \$54,115,912

For the purpose of funding the Circuit Courts, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service . . . . . 86,182,875  
Expense and Equipment. . . . . 3,128,404  
From General Revenue Fund (0101). . . . . 89,311,279

For a new Associate Circuit Court Judge and related staff for the 17th Judicial Circuit, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service. . . . . 171,021  
Expense and Equipment. . . . . 2,896  
From General Revenue Fund (0101). . . . . 173,917

Personal Service. . . . . 3,876,060  
Expense and Equipment. . . . . 1,829,661  
From Judiciary - Federal Fund (0137). . . . . 5,705,721

Personal Service. . . . . 272,190  
Expense and Equipment . . . . . 128,039  
From Third Party Liability Collections Fund (0120). . . . . 400,229

Expense and Equipment  
From State Court Administration Revolving Fund (0831). . . . . 170,000

For the payment to counties for salaries of juvenile court personnel as provided by Sections 211.393 and 211.394, RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From General Revenue Fund (0101). . . . . 7,579,900

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, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From Circuit Court Escrow Fund (0718). . . . . 2,524,249  
Total (Not to exceed 2,961.70 F.T.E.). . . . . \$159,981,207

**SECTION 12.345.**— To the Supreme Court

For the purpose of funding the court-appointed special advocacy program statewide office, provided that twenty-five percent (25%) flexibility is

allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From General Revenue Fund (0101)..... \$500,000

For the purpose of funding court-appointed special advocacy programs as provided in Section 476.777, RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From Missouri CASA Fund (0590)..... 100,000  
Total..... \$600,000

**SECTION 12.350.**— To the Supreme Court

For the purpose of funding costs associated with creating the handbook and other programs as provided in Section 452.554, RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From Domestic Relations Resolution Fund (0852)..... \$300,000

**SECTION 12.355.**— To the Commission on Retirement, Removal, and Discipline of Judges

For the purpose of funding the expenses of the Commission, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service..... \$210,850  
Expense and Equipment..... 42,667  
From General Revenue Fund (0101) (Not to exceed 2.75 F.T.E.)..... \$253,517

**SECTION 12.360.**— To the Supreme Court

For the purpose of funding the 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, , provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From General Revenue Fund (0101)..... \$7,741

**SECTION 12.365.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Drug Court Resources Fund

From General Revenue Fund (0101)..... \$7,056,745

**SECTION 12.370.**— To the Supreme Court

For the purpose of funding drug courts, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service. . . . .	\$210,943
Expense and Equipment . . . . .	5,759,038

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 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 rate of recidivism

Expense and Equipment. . . . .	1,000,000
From Drug Court Resources Fund (0733) (Not to exceed 4.00 F.T.E.) . . . . .	\$6,969,981

**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
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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

From General Revenue Fund (0101). . . . .	4,721,071
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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
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For the transfer of refunds set-off against debts as required by Section 143.786, RSMo

From Debt Offset Escrow Fund (0753). . . . .	1,200,000
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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
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Total (Not to exceed 597.13 F.T.E.) . . . . .	\$46,808,524
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**SECTION 12.500.**— To the Senate

Salaries of Members. . . . .	\$1,226,610
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Mileage of Members. . . . .	87,406
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Members' Per Diem. . . . .	251,100
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Senate Contingent Expenses. . . . .	10,483,713
Joint Contingent Expenses. . . . .	225,000
From General Revenue Fund (0101) . . . . .	<u>12,273,829</u>

Senate Contingent Expenses From Senate Revolving Fund (0535) . . . . .	40,000
Total (Not to exceed 221.04 F.T.E.) . . . . .	<u>\$12,313,829</u>

**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. . . . .	<u>12,488,635</u>
From General Revenue Fund (0101) . . . . .	<u>21,406,922</u>

House Contingent Expenses From House of Representatives Revolving Fund (0520) . . . . .	45,000
Total (Not to exceed 435.88 F.T.E.) . . . . .	<u>\$21,451,922</u>

**SECTION 12.510.**— To the House of Representatives

For payment of organizational dues	
National Conference of State Legislatures. . . . .	\$220,000
National Conference of Insurance Legislators. . . . .	10,000
All other organizational dues. . . . .	<u>10,000</u>
From General Revenue Fund (0101) . . . . .	<u>\$240,000</u>

**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 . . . . .	\$560,790
For the Oversight Division . . . . .	726,422
For an audit and/or program evaluation of the Regional Convention and Sports Complex authority. . . . .	<u>100,000</u>
From General Revenue Fund (0101) . . . . .	<u>1,387,212</u>

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	
From Marital and Family Therapists' Fund (0820) . . . . .	<u>25,000</u>
Total (Not to exceed 23.00 F.T.E.) . . . . .	<u>\$1,412,212</u>

**SECTION 12.520.**— To the Committee on Legislative Research

For paper, printing, binding, editing, proofreading, and other necessary expenses of publishing the Supplement to the Revised Statutes of the State of Missouri	
From Statutory Revision Fund (0546) (Not to exceed 1.25 F.T.E.) . . . . .	<u>\$285,739</u>

**SECTION 12.525.**— To the Interim Committees of the General Assembly

For the Joint Committee on Administrative Rules. . . . .	<u>\$139,435</u>
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For the Joint Committee on Public Employee Retirement . . . . .	169,669
For the Joint Committee on Education . . . . .	76,245
From General Revenue Fund (0101) (Not to exceed 6.00 F.T.E.) . . . . .	<u>\$385,349</u>

**Elected Officials Totals**

General Revenue Fund . . . . .	\$51,684,777
Federal Funds . . . . .	22,516,751
Other Funds . . . . .	<u>68,643,844</u>
Total . . . . .	<u>\$142,845,372</u>

**Judiciary Totals**

General Revenue Fund . . . . .	\$189,517,872
Federal Funds . . . . .	14,478,318
Other Funds . . . . .	<u>12,421,916</u>
Total . . . . .	<u>\$216,418,106</u>

**Public Defender Totals**

General Revenue Fund . . . . .	\$42,497,581
Federal Funds . . . . .	125,000
Other Funds . . . . .	<u>2,985,943</u>
Total . . . . .	<u>\$45,608,524</u>

**General Assembly Totals**

General Revenue Fund . . . . .	\$35,693,312
Other Funds . . . . .	<u>395,739</u>
Total . . . . .	<u>\$36,089,051</u>

Approved June 30, 2017

HB 13 [SCS HCS HB 13 ]

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

**Appropriates money for real property leases and related services**

AN ACT To appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2017 and ending June 30, 2018.

*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, 2017 and ending June 30, 2018 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, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 13.021

For the Department of Elementary and Secondary Education

Expense and Equipment

From General Revenue Fund (0101) . . . . .	\$482,412
From Assistive Technology Federal Fund (0188) . . . . .	33,845
From DESE - Federal Fund (0105) . . . . .	4,281
From Vocational Rehabilitation Fund (0104) . . . . .	1,903,364
From Assistive Technology Loan Revolving Fund (0889) . . . . .	10,153
From Deaf Relay Service and Equipment Distribution Program Fund (0559) . . . . .	22,692

For the Department of Revenue

Expense and Equipment

From General Revenue Fund (0101) . . . . .	586,651
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For the Department of Revenue

For the State Lottery Commission

Expense and Equipment

From Lottery Enterprise Fund (0657) . . . . .	351,649
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For the Office of Administration

Expense and Equipment

From General Revenue Fund (0101) . . . . .	641,776
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) . . . . .	99,181
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For the Department of Agriculture

Expense and Equipment

From General Revenue Fund (0101) . . . . .	207,693
From Agriculture Protection Fund (0970) . . . . .	4,045
From Grain Inspection Fee Fund (0647) . . . . .	52,232
From Petroleum Inspection Fund (0662) . . . . .	6,411

For the Department of Natural Resources

Expense and Equipment

From General Revenue Fund (0101) . . . . .	406,114
From DNR - Federal Fund (0140) . . . . .	326,745
From Missouri Air Emission Reduction Fund (0267) . . . . .	22,330
From State Park Earnings Fund (0415) . . . . .	59,721
From Historic Preservation Revolving Fund (0430) . . . . .	2,309
From DNR Cost Allocation Fund (0500) . . . . .	80,209

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From Natural Resources Protection Fund (0555) . . . . .	11,986
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) . . . . .	88,962
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) . . . . .	32,167
From Solid Waste Management Fund (0570) . . . . .	118,524
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) . . . . .	19,630
From Petroleum Storage Tank Insurance Fund (0585) . . . . .	34,383
From Underground Storage Tank Regulation Program Fund (0586) . . . . .	3,438
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) . . . . .	247,979
From Parks Sales Tax Fund (0613) . . . . .	106,065
From Environmental Radiation Monitoring Fund (0656) . . . . .	1,210
From Hazardous Waste Fund (0676) . . . . .	103,861
From Safe Drinking Water Fund (0679) . . . . .	105,220
From Dry-cleaning Environmental Response Trust Fund (0898) . . . . .	1,157
For the Department of Economic Development Expense and Equipment	
From General Revenue Fund (0101) . . . . .	38,384
From Job Development and Training Fund (0155) . . . . .	1,372,632
From Division of Tourism Supplemental Revenue Fund (0274) . . . . .	4,073
From Manufactured Housing Fund (0582) . . . . .	21,150
From Missouri Arts Council Trust Fund (0262) . . . . .	41,517
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) . . . . .	50,476
From Insurance Dedicated Fund (0566) . . . . .	5,331
From Insurance Examiners Fund (0552) . . . . .	11,991
From Professional Registration Fees Fund (0689) . . . . .	7,433
For the Department of Labor and Industrial Relations Expense and Equipment	
From General Revenue Fund (0101) . . . . .	5,788
From DOLIR - Commission on Human Rights - Federal Fund (0117) . . . . .	10,520
From DOLIR Administrative Fund (0122) . . . . .	1,302
From Unemployment Compensation Administration Fund (0948) . . . . .	84,053
From Workers' Compensation Fund (0652) . . . . .	314,109
For the Department of Public Safety Expense and Equipment	
From State Emergency Management - Federal Fund (0145) . . . . .	12,951
From Justice Assistance Grant Program Fund (0782) . . . . .	10,724
From Veterans' Commission Capital Improvement Trust Fund (0304) . . . . .	209,679
From Division of Alcohol and Tobacco Control Fund (0544) . . . . .	202,071
For the Department of Public Safety For the State Highway Patrol	

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Expense and Equipment	
From General Revenue Fund (0101) . . . . .	248,241
From Department of Public Safety - Federal Fund (0152) . . . . .	8,279
From State Highways and Transportation Department Fund (0644) . . . . .	1,071,505
For the Department of Public Safety	
For the Adjutant General	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	25,000
From Adjutant General - Federal Fund (0190) . . . . .	1,656,676
For the Department of Public Safety	
For the Missouri Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund (0286) . . . . .	389,438
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	6,320,131
From Working Capital Revolving Fund (0510) . . . . .	248,165
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	2,047,833
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1,654,304
From Department of Health and Senior Services - Federal Fund (0143) . . . . .	1,978,658
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	9,653,675
From DSS Federal and Other Sources Fund (0610) . . . . .	5,430,187
From Nursing Facility Quality of Care Fund (0271) . . . . .	76,775
For the General Assembly	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	8,217
For the Attorney General	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	346,409
From Attorney General - Federal Fund (0136) . . . . .	123,314
From Workers' Compensation - Second Injury Fund (0653) . . . . .	78,186
From Workers' Compensation Fund (0652) . . . . .	78,185
From Hazardous Waste Fund (0676) . . . . .	7,017
From Missouri Office of Prosecution Services Fund (0680) . . . . .	34,828
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	697,048

From Local Records Preservation Fund (0577) . . . . .	2,092
For the State Auditor	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	9,628
For the Judiciary	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	2,358,622
From Judiciary - Federal Fund (0137) . . . . .	20,137
From Judiciary Education and Training Fund (0847) . . . . .	125,514
Total . . . . .	<u>\$44,901,931</u>

**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, and further provided that not more  
 than three percent (3%) flexibility is allowed from this section to  
 Section 13.021

For the Department of Elementary and Secondary Education	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	\$356,570
From Vocational Rehabilitation Fund (0104) . . . . .	817,287
From DESE - Federal Fund (0105) . . . . .	339,118
For the Department of Higher Education	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	123,739
For the Department of Revenue	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1,855,633
For the Office of Administration	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	2,751,915
From State Facility Maintenance and Operation Fund (0501) . . . . .	540,860
From Children's Trust Fund (0694) . . . . .	13,059
For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	86,209
From Department of Agriculture - Federal Fund (0133) . . . . .	19,211
From Animal Health Laboratory Fee Fund (0292) . . . . .	30,203
From Animal Care Reserve Fund (0295) . . . . .	3,189
From Commodity Council Merchandising Fund (0406) . . . . .	3,045

From Single - Purpose Animal Facilities Loan Program Fund (0408) . . . . .	3,527
From State Milk Inspection Fees Fund (0645). . . . .	4,112
From Grain Inspection Fees Fund (0647) . . . . .	3,439
From Petroleum Inspection Fund (0662). . . . .	101,469
From Missouri Wine and Grape Fund (0787) . . . . .	9,473
From Agriculture Development Fund (0904) . . . . .	1,627
From Agriculture Protection Fund (0970). . . . .	257,014

For the Department of Natural Resources

Expense and Equipment

From General Revenue Fund (0101) . . . . .	279,073
From DNR - Federal Fund (0140) . . . . .	204,903
From Missouri Air Emission Reduction Fund (0267) . . . . .	66,546
From Historic Preservation Revolving Fund (0430) . . . . .	5,807
From DNR Cost Allocation Fund (0500) . . . . .	90,642
From Natural Resources Protection Fund (0555). . . . .	287
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) . . . . .	135,912
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).. . . . .	5,026
From Solid Waste Management Fund (0570).. . . . .	12,564
From Metallic Minerals Waste Management Fund (0575).. . . . .	483
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) . . . . .	2,394
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) . . . . .	72,524
From Soil and Water Sales Tax Fund (0614). . . . .	35,794
From Hazardous Waste Fund (0676) . . . . .	26,016
From Safe Drinking Water Fund (0679) . . . . .	104,509
From Mined Land Reclamation Fund (0906).. . . . .	11,573

For the Department of Economic Development

Expense and Equipment

From General Revenue Fund (0101) . . . . .	195,468
From Job Development and Training Fund (0155).. . . . .	796,827
From Energy Federal Fund (0866). . . . .	43,661
From Division of Tourism Supplemental Revenue Fund (0274). . . . .	106,077
From Department of Economic Development Administrative Fund (0547) . . . . .	43,385
From Public Service Commission Fund (0607) . . . . .	93,988
From Energy Set-Aside Program Fund (0667). . . . .	23,509

For the Department of Insurance, Financial Institutions and Professional Registration

Expense and Equipment

From Division of Credit Unions Fund (0548) . . . . .	25,311
From Division of Finance Fund (0550) . . . . .	182,486
From Insurance Examiners Fund (0552) . . . . .	87,569
From Insurance Dedicated Fund (0566) . . . . .	345,554
From Professional Registration Fees Fund (0689).. . . . .	201,249

For the Department of Labor and Industrial Relations

Expense and Equipment

From General Revenue Fund (0101) . . . . .	44,462
From DOLIR - Commission on Human Rights - Federal Fund (0117). . . . .	49,660

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From DOLIR Administrative Fund (0122) . . . . .	246,481
From Division of Labor Standards - Federal Fund (0186) . . . . .	4,699
From Unemployment Compensation Administration Fund (0948) . . . . .	946,100
From Workers' Compensation Fund (0652) . . . . .	377,398
From Special Employment Security Fund (0949) . . . . .	41,652
For the Department of Public Safety	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	228,558
From State Emergency Management - Federal Fund (0145) . . . . .	1,776
From Missouri Disaster Fund (0663) . . . . .	15,755
From Veterans' Commission Capital Improvement Trust Fund (0304) . . . . .	112,691
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From State Highways and Transportation Department Fund (0644) . . . . .	145,630
For the Department of Public Safety	
For the Missouri Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund (0286) . . . . .	76,050
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	1,014,739
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	769,398
From Department of Mental Health - Federal Fund (0148) . . . . .	193,522
From Compulsive Gamblers Fund (0249) . . . . .	1,509
From Health Initiatives Fund (0275) . . . . .	6,792
From Mental Health Earnings Fund (0288) . . . . .	3,774
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	755,503
From Department of Health and Senior Services - Federal Fund (0143) . . . . .	873,092
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	5,431,877
From Temporary Assistance for Needy Families Fund (0199) . . . . .	130,394
From DOSS Federal and Other Sources Fund (0610) . . . . .	733,092
From Health Initiatives Fund (0275) . . . . .	17,094
From Department of Social Services Educational Improvement Fund (0620) . . . . .	5,252
For the Governor	
Expense and Equipment	
From General Revenue Fund (0101) . . . . .	387,455

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For the Lieutenant Governor Expense and Equipment From General Revenue Fund (0101) . . . . .	31,432
For the General Assembly Expense and Equipment From General Revenue Fund (0101) . . . . .	1,678,403
For the Secretary of State Expense and Equipment From General Revenue Fund (0101) . . . . .	913,497
From Secretary of State's Technology Trust Fund Account (0266) . . . . .	6,299
From Local Records Preservation Fund (0577) . . . . .	5,109
From Investor Education and Protection Fund (0829) . . . . .	13,323
For the State Auditor Expense and Equipment From General Revenue Fund (0101) . . . . .	179,182
For the Attorney General Expense and Equipment From General Revenue Fund (0101) . . . . .	452,507
From Attorney General - Federal Fund (0136) . . . . .	135,041
From Natural Resources Protection Water Pollution Permit Fee Subaccount Fund (0568) . . . . .	8,977
From Workers' Compensation Fund (0652) . . . . .	29,929
From Workers' Compensation Second Injury Fund (0653) . . . . .	29,929
From Hazardous Waste Fund (0676) . . . . .	8,977
From Inmate Incarceration Reimbursement Act Revolving Fund (0828) . . . . .	8,977
For the State Treasurer Expense and Equipment From State Treasurer's General Operations Fund (0164) . . . . .	181,629
For the Judiciary Expense and Equipment From General Revenue Fund (0101) . . . . .	240,519
Total . . . . .	<u>\$27,057,971</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, further provided that not more than three percent (3%) flexibility is allowed from this section to Section 13.021

For the Department of Elementary and Secondary Education

Expense and Equipment  
From General Revenue Fund (0101) . . . . . \$3,980,099



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) . . . . . From State Highways and Transportation Department Fund (0644) . . . . .	496,696 1,637,183
For the Department of Mental Health Expense and Equipment From General Revenue Fund (0101) . . . . .	20,695,444
For the Department of Health and Senior Services Expense and Equipment From General Revenue Fund (0101) . . . . . From Department of Health and Senior Services - Federal Fund (0143) . . . . .	10,140 11,718
For the Department of Social Services Expense and Equipment From General Revenue Fund (0101) . . . . . From DOSS Federal and Other Sources Fund (0610) . . . . . Total . . . . .	3,298,470 769,092 \$34,302,805

**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 13.021.**— To the Office of Administration  
For the Division of Facilities Management, Design and Construction  
Funds are to be transferred out of the State Treasury, for the payment  
of claims, premiums, and expenses as provided by Section 105.711  
through 105.726, RSMo, to the State Legal Expense Fund  
From General Revenue Fund (0101) . . . . . \$1

**Bill Totals**  
General Revenue Fund . . . . . \$72,094,096

Federal Funds . . . . .	19,061,314
Other Funds . . . . .	13,832,777
Total . . . . .	\$104,988,187

Approved June 30, 2017

HB 14 [SCS HCS HB 14 ]

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

**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, 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 ending June 30, 2017, 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). . . . . \$6,407,410

**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). . . . . \$4,400,000

**SECTION 14.015.**— 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). . . . . \$7,800,000

**SECTION 14.020.**— To the Department of Elementary and Secondary Education  
For the Vocational Rehabilitation Program  
From Vocational Rehabilitation Fund (0104). . . . . \$2,000,765

**SECTION 14.025.**— To the Department of Elementary and Secondary Education  
For special education excess costs  
From General Revenue Fund (0101). . . . . \$6,963,677

<b>SECTION 14.030.</b> — To the Department of Higher Education	
Funds are to be transferred out of the State Treasury, chargeable to the fund listed below, to the Academic Scholarship Fund	
From General Revenue Fund (0101). . . . .	\$1,014,700
<b>SECTION 14.035.</b> — 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). . . . .	\$1,500,000
<b>SECTION 14.040.</b> — 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). . . . .	\$137,256
<b>SECTION 14.045.</b> — To the Department of Revenue	
For the Division of Motor Vehicle and Driver Licensing	
For purpose of funding a voter ID program	
Personal Service. . . . .	\$5,513
Expense and Equipment. . . . .	<u>74,793</u>
From General Revenue Fund (0101). . . . .	<u>\$80,306</u>
<b>SECTION 14.050.</b> — To the Department of Revenue	
Funds are to be transferred out of the State Treasury, chargeable to the Parks Sales Tax Fund, to the General Revenue Fund, for collection costs	
From Parks Sales Tax Fund (0613). . . . .	\$4,732
<b>SECTION 14.055.</b> — To the Department of Revenue	
Funds are to be transferred out of the State Treasury, chargeable to the Soil and Water Sales Tax Fund, to the General Revenue Fund, for collection costs	
From Soil and Water Sales Tax Fund (0614). . . . .	\$4,732
<b>SECTION 14.060.</b> — 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, provided that no funds shall be expended for any expenses related to pull tab games	
From Lottery Enterprise Fund (0657). . . . .	\$2,000,000
<b>SECTION 14.070.</b> — To the Department of Transportation	
For vehicle and equipment replacement as well as weigh station improvements	
From State Road Fund (0320). . . . .	\$10,600,000
<b>SECTION 14.075.</b> — To the Department of Transportation	
For the 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) . . . . . \$100,000

**SECTION 14.080.**— 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) . . . . . \$1,700,000

**SECTION 14.085.**— 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) . . . \$1,700,000

**SECTION 14.090.**— 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) . . . . . \$5,000,000

**SECTION 14.095.**— To the Department of Transportation  
For implementation of Positive Train Control technology  
From Multimodal Operations Federal Fund (0126) . . . . . \$2,000,000

**SECTION 14.100.**— 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) . . . . . \$900,000

**SECTION 14.105.**— To the Office of Administration  
For the Children's Trust Fund Program  
Personal Service  
From Children's Trust Fund (0694) . . . . . \$12,244

**SECTION 14.110.**— To the Office of Administration  
Funds are to be transferred out of the State Treasury, chargeable to the Tax Amnesty Fund, to the General Revenue Fund, to move the remaining balance as required by section 32.383.8, RSMo  
From Tax Amnesty Fund (0470) . . . . . \$5,800,000

**SECTION 14.115.**— To the Department of Agriculture  
For the Division of Grain Inspection and Warehousing  
From Grain Inspection Fee Fund (0647) (Not to exceed 7.50 F.T.E.) . . . . . \$175,465

**SECTION 14.120.**— To the Department of Labor and Industrial Relations  
For the Division of Employment Security

For payment of attorney's fees and expenses  
 From Special Employment Security Fund (0949). . . . . \$15,613

**SECTION 14.125.**— To the Adjutant General  
 For Military Forces Administration  
     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

**SECTION 14.130.**— To the Department of Corrections  
 For the Office of the Director  
 For restitution payment for those wrongly convicted  
 From General Revenue Fund (0101). . . . . \$34,242

**SECTION 14.135.**— To the Department of Corrections  
 For contractual services for offender physical and mental health care  
 From General Revenue Fund (0101). . . . . \$919,204

**SECTION 14.140.**— To the Department of Mental Health  
 For the purpose of paying overtime to state employees. Non-exempt state  
     employees identified by section 105.935, RSMo, will be paid first with  
     any remaining funds being used to pay overtime to any other state  
     employees  
 From General Revenue Fund (0101). . . . . \$4,300,592

**SECTION 14.145.**— 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). . . . . \$21,400,000

**SECTION 14.150.**— To the Department of Mental Health  
 For the Division of Behavioral Health  
 For 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  
     Expense and Equipment  
 From General Revenue Fund (0101) (Not to exceed 5.51 F.T.E.). . . . . \$126,767

**SECTION 14.155.**— To the Department of Health and Senior Services  
 For the Division of Senior and Disability Services  
 For 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) . . . . .	\$15,033,089
From Department of Health and Senior Services Federal Fund (0143) . . . . .	<u>23,547,664</u>
Total . . . . .	\$38,580,753

**SECTION 14.160.**— To the Department of Social Services

For the Children's Division

For 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) . . . . .	\$4,025,893
From Department of Social Services Federal Fund (0610) . . . . .	<u>3,117,808</u>
Total . . . . .	\$7,143,701

**SECTION 14.165.**— To the Department of Social Services

For the Children's Division

For purpose of funding Adoption and Guardianship subsidy payments and related services

From General Revenue Fund (0101) . . . . .	\$4,604,803
From Department of Social Services Federal Fund (0610) . . . . .	<u>749,619</u>
Total . . . . .	\$5,354,422

**SECTION 14.170.**— 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 section 208.780 through 208.798, RSMo and for the 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 and managed care programs and for the purpose of funding professional fees for pharmacists and for a comprehensive chronic care risk management program, provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 14.170, 14.175, 14.180, 14.185, 14.190, 14.195, and 14.220

From Pharmacy Rebates Fund (0114) . . . . .	\$27,100,000
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For the purpose of funding pharmaceutical payments under the Missouri Rx Plan authorized by sections 208.780 through 208.798, RSMo, provided that no more than ten percent (10%) flexibility is allowed between this subsection and sections 14.170, 14.175, 14.180, 14.185, 14.190, 14.195, and 14.220

From Missouri Rx Plan Fund (0779) . . . . .	1,000,000
Total . . . . .	<u>\$28,100,000</u>

**SECTION 14.175.**— 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 and managed care programs, 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, provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 14.170, 14.175, 14.180, 14.185, 14.190, 14.195, and 14.220

From Title XIX - Federal Fund (0163) . . . . .	\$30,707,319
From Health Initiatives Fund (0275) . . . . .	<u>2,000,000</u>
Total . . . . .	<u>\$32,707,319</u>

**SECTION 14.180.**— 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, including adult dental procedure codes (Tier 1-6), provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 14.170, 14.175, 14.180, 14.185, 14.190, 14.195, and 14.220

From Title XIX - Federal Fund (0163) . . . . .	\$672,875
From Healthy Families Trust Fund (0625) . . . . .	<u>866,467</u>
Total . . . . .	<u>\$1,539,342</u>

**SECTION 14.185.**— To the Department of Social Services

For the MO HealthNet Division

For funding long-term care services

For the purpose of funding care in nursing facilities or other long-term care services under the MO HealthNet fee-for-service and managed care programs 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 14.170, 14.175, 14.180, 14.185, 14.190, 14.195, and 14.220

From Title XIX - Federal Fund (0163) . . . . .	\$2,500,384
From Healthy Families Trust Fund (0625) . . . . .	<u>1,011,685</u>
Total . . . . .	<u>\$3,512,069</u>

**SECTION 14.190.**— 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 and managed care programs, and for administration of these services, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division, provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 14.170, 14.175, 14.180, 14.185, 14.190, 14.195, and 14.220

From Title XIX - Federal Fund (0163). . . . .	\$1,783,189
From Healthy Families Trust Fund (0625). . . . .	<u>2,900,024</u>
Total. . . . .	\$4,683,213

**SECTION 14.195.**— 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 and managed care programs, and for a comprehensive chronic care risk management program, and for administration of these programs. The MO HealthNet Division shall track payments to out-of- state hospitals by location, provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 14.170, 14.175, 14.180, 14.185, 14.190, 14.195, and 14.220

From Title XIX - Federal Fund (0163). . . . .	\$41,312,786
From Health Initiatives Fund (0275). . . . .	1,403,792
From Life Sciences Research Trust Fund (0763). . . . .	3,526,746
From Healthy Families Trust Fund (0625). . . . .	<u>3,840,949</u>
Total. . . . .	\$50,084,273

**SECTION 14.200.**— To the Department of Social Services  
For the MO HealthNet Division

For the purpose of funding grants to Federally Qualified Health Centers

From Healthy Families Trust Fund (0625). . . . .	\$57,881
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**SECTION 14.205.**— To the Department of Social Services  
For the MO HealthNet Division

For purpose of funding payments to the Department of Mental Health

From Title XIX - Federal Fund (0163). . . . .	\$10,349,554
From Department of Social Services Intergovernmental Transfer Fund (0139). . . . .	<u>6,545,587</u>
Total. . . . .	\$16,895,141

**SECTION 14.210.**— 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 Title XIX - Federal Fund (0163). . . . .	\$6,150,269
From Healthy Families Trust Fund (0625). . . . .	<u>2,164,314</u>
Total. . . . .	\$8,314,583

**SECTION 14.215.**— 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). . . . . \$3,710,158

**SECTION 14.220.**— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding healthcare benefits for recipients of blind pension benefits, provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 14.170, 14.175, 14.180, 14.185, 14.190, 14.195, and 14.220

From Health Initiatives Fund (0275). . . . . \$915,622

**SECTION 14.225.**— 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). . . . . \$307,977

**SECTION 14.230.**— To the Committee on Legislative Research

For paper, printing, binding, editing, proofreading, and other necessary expenses of publishing the Supplement to the Revised Statutes of the State of Missouri

From Statutory Revision Fund (0546). . . . . \$450,000

**Bill Totals**

General Revenue Fund. . . . . \$43,647,939

Federal Funds. . . . . 129,162,678

Other Funds. . . . . 68,250,960

Total. . . . . \$241,061,577

Approved May 8, 2017

HB 17 [CCS SCS HCS HB 17 ]

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

**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, 2017 and ending June 30, 2018.

*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, 2017 and ending June 30, 2018 the unexpended balances available as of June 30, 2017 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 and most recently authorized under the provisions of House Bill Section 2017.005, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$3,501,511

**SECTION 17.010.**— 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 2017.015, an Act of the 98th General Assembly, Second Regular Session  
 From General Revenue Fund (0101). . . . . \$46,564

**SECTION 17.015.**— 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 and most recently authorized under the provisions of House Bill Section 2017.020, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$340,816

**SECTION 17.020.**— 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 and most recently authorized under the provisions of House Bill Section 2017.025, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$1,025,492

**SECTION 17.025.**— 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 and most recently authorized under the provisions of House Bill Section 2017.030, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$2,042,938

**SECTION 17.030.**— 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 and most recently authorized under the provisions of House Bill Section 2017.035, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$2,990,380

**SECTION 17.035.**— 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 and most recently authorized under the provisions of House Bill Section 2017.040, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$416,026

**SECTION 17.040.**— 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 and most recently authorized under the provisions of House Bill Section 2017.045, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$1,350,148

**SECTION 17.045.**— 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 and most recently authorized under the provisions of House Bill Section 2017.060, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$722,301

**SECTION 17.050.**— 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 and most recently authorized under the provisions of House Bill Section 2017.065, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$4,203,738

**SECTION 17.055.**— 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 and most recently authorized under the provisions of House Bill Section 2017.070, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$1,512,568

**SECTION 17.060.**— 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 College  
 Representing expenditures originally authorized under the provisions of House Bill Section 19.075, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 2017.075, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$1,471,401

**SECTION 17.065.**— 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 and most recently authorized under the provisions of House Bill Section 2017.080, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$569,401

**SECTION 17.070.**— 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 and most recently authorized under the provisions of House Bill Section 2017.085, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$11,616,905

**SECTION 17.075.**— To Southeast Missouri State University  
 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 and most recently authorized under the provisions of House Bill Section 2017.090, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$9,850,618

**SECTION 17.080.**— 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 and most recently authorized under the provisions of House Bill Section 2017.095, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$15,860,236

**SECTION 17.085.**— 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 and most recently authorized under the provisions of House Bill Section 2017.100, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$666,191

**SECTION 17.090.**— 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 and most recently authorized under the provisions of House Bill Section 2017.105, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$3,371,590

**SECTION 17.095.**— 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 and most recently authorized under the provisions of House Bill Section 2017.110, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$6,008,817

**SECTION 17.100.**— To Northwest Missouri State University

For exterior renovation and construction of the administration building on the Northwest Missouri State University campus

Representing expenditures originally authorized under the provisions of House Bill Section 2018.115, an Act of the 98th General Assembly, Second Regular Session  
From General Revenue Fund (0101). . . . . \$458,434

**SECTION 17.105.**— 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 2017.115, an Act of the 98th General Assembly, Second Regular Session  
 From General Revenue Fund (0101). . . . . \$1,500,000

**SECTION 17.110.**— To Missouri Southern State University  
 For planning, design, renovation, and construction of Reynolds Hall on Missouri Southern State University campus  
 Representing expenditures originally authorized under the provisions of House Bill Section 2018.075, an Act of the 98th General Assembly, Second Regular Session  
 From General Revenue Fund (0101). . . . . \$4,785,000  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . 3,504,849  
 Total. . . . . \$8,289,849

**SECTION 17.115.**— 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 and most recently authorized under the provisions of House Bill Section 2017.125, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$1,957,211

**SECTION 17.125.**— To Harris-Stowe State University  
 For repair and renovations including hazmat remediation, upgrades to windows, HVAC, electrical systems, plumbing, and finishes for Vashon Center  
 Representing expenditures originally authorized under the provisions of House Bill Section 19.125, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 2017.130, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$1,925,988

**SECTION 17.130.**— To the University of Missouri  
 For planning, design, and construction of strategic renovations and additions to Lafferre Hall  
 Representing expenditures originally authorized under the provisions of House Bill Section 2021.130, an Act of the 97th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill Section 2017.135, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$10,829,412

**SECTION 17.135.**— 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 2017.145, an Act of the 98th General Assembly, Second Regular Session  
 From General Revenue Fund (0101). . . . . \$6,668,263

**SECTION 17.140.**— 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  
 Representing expenditures originally authorized under the provisions of House Bill Section 2018.155, an Act of the 98th General Assembly, Second Regular Session  
 From General Revenue Fund (0101). . . . . \$482,439

**SECTION 17.145.**— 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 2017.150, an Act of the 98th General Assembly, Second Regular Session  
 From General Revenue Fund (0101). . . . . \$757,462

**SECTION 17.150.**— 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 2017.155, an Act of the 98th General Assembly, Second Regular Session  
 From General Revenue Fund (0101). . . . . \$1

**SECTION 17.155.**— To the University of Missouri  
 For the Thompson Center for Autism and Neurodevelopmental Disorders  
 Representing expenditures originally authorized under the provisions of House Bill Section 2018.005, an Act of the 98th General Assembly, Second Regular Session  
 From General Revenue Fund (0101). . . . . \$895,535

**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 and most recently authorized under the provisions of House Bill Section 2017.160, an Act of the 98th General Assembly, Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$51,517,850

**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 and most recently authorized under the provisions of House Bill Section 2017.165, an Act of the 98th General Assembly, Second Regular Session  
 From Lottery Enterprise Fund (0657). . . . . \$1,309,298

**SECTION 17.170.**— 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  
 Representing expenditures originally authorized under the provisions of House Bill Section 2018.010, an Act of the 98th General Assembly, Second Regular Session  
 From General Revenue Fund (0101). . . . . \$1,936,567

**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 and most recently authorized under the provisions of House Bill Section 2017.175, an Act of the 98th General Assembly, Second Regular Session  
 From Facilities Maintenance Reserve Fund (0124). . . . . \$7,690,782

**SECTION 17.180.**— 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 2018.020, an Act of the 98th General Assembly, Second Regular Session  
 From Facilities Maintenance Reserve Fund (0124). . . . . \$5,273,898

**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 and most recently authorized under the provisions of



House Bill Section 2017.185, an Act of the 98th General Assembly,  
Second Regular Session  
From Facilities Maintenance Reserve Fund (0124). . . . . \$223,829

**SECTION 17.190.**— 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 2018.025, an Act of the 98th General Assembly,  
Second Regular Session  
From Facilities Maintenance Reserve Fund (0124). . . . . \$590,000

**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 and most recently authorized under the provisions of  
House Bill Section 2017.195, an Act of the 98th General Assembly,  
Second Regular Session  
From Facilities Maintenance Reserve Fund (0124). . . . . \$3,069,432

**SECTION 17.200.**— 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 2018.026, an Act of the 98th General Assembly,  
Second Regular Session  
From Facilities Maintenance Reserve Fund (0124). . . . . \$4,425,000

**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 and most recently authorized under the provisions of  
House Bill Section 2017.205, an Act of the 98th General Assembly,  
Second Regular Session  
From Facilities Maintenance Reserve Fund (0124). . . . . \$2,404,975

**SECTION 17.210.**— 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 2018.022, an Act of the 98th General Assembly,  
Second Regular Session  
From Facilities Maintenance Reserve Fund (0124). . . . . \$1,475,000

**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 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 2017.210, an Act of the 98th General Assembly, Second Regular Session	
From Facilities Maintenance Reserve Fund (0124) . . . . .	\$2,683,041
From State Highways and Transportation Department Fund (0644) . . . . .	21,921
Total . . . . .	<u>\$2,704,962</u>

**SECTION 17.220.**— 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 and most recently authorized under the provisions of House Bill Section 2017.215, an Act of the 98th General Assembly, Second Regular Session	
From Facilities Maintenance Reserve Fund (0124) . . . . .	\$6,745,226
From Special Employment Security Fund (0949) . . . . .	20,390
From Department of Social Services - Federal and Other Fund (0610) . . . . .	115,273
From State Highways and Transportation Department Fund (0644) . . . . .	530,060
From Veterans Commission Capital Improvement Trust Fund (0304) . . . . .	230,596
Total . . . . .	<u>\$7,641,545</u>

**SECTION 17.225.**— 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

Representing expenditures originally authorized under the provisions of House Bill Section 2018.030, an Act of the 98th General Assembly, Second Regular Session	
From Facilities Maintenance Reserve Fund (0124) . . . . .	\$7,130,221
From Veterans Commission Capital Improvement Trust Fund (0304) . . . . .	490,233
Total . . . . .	<u>\$7,620,454</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 and most recently authorized under the provisions of House Bill Section 2017.230, an Act of the 98th General Assembly, Second Regular Session	
From Facilities Maintenance Reserve Fund (0124) . . . . .	\$1,544,864

**SECTION 17.235.**— To the Office of Administration

For the Division of Facilities Management, Design and Construction  
For the statewide life safety improvements at state facilities

Representing expenditures originally authorized under the provisions of House Bill Section 2018.024, an Act of the 98th General Assembly, Second Regular Session	
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From Facilities Maintenance Reserve Fund (0124). . . . . \$1,180,000

**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 and most recently authorized under the provisions of House Bill Section 2017.240, an Act of the 98th General Assembly, Second Regular Session

From Facilities Maintenance Reserve Fund (0124). . . . . \$8,091,397

**SECTION 17.245.**— 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 2018.023, an Act of the 98th General Assembly, Second Regular Session

From Facilities Maintenance Reserve Fund (0124). . . . . \$5,900,000

**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 and most recently authorized under the provisions of House Bill Section 2017.250, an Act of the 98th General Assembly, Second Regular Session

From Facilities Maintenance Reserve Fund (0124). . . . . \$2,271,495

**SECTION 17.255.**— 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 2018.021, an Act of the 98th General Assembly, Second Regular Session

From Facilities Maintenance Reserve Fund (0124). . . . . \$1,475,000

**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 and most recently authorized under the provisions of House Bill Section 2017.260, an Act of the 98th General Assembly, Second Regular Session

From Facilities Maintenance Reserve Fund (0124). . . . . \$1,362,295

**SECTION 17.265.**— 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 2018.027, an Act of the 98th General Assembly,  
 Second Regular Session  
 From Facilities Maintenance Reserve Fund (0124). . . . . \$1,180,000

**SECTION 17.270.**— To the Office of Administration  
 For the Missouri House of Representatives  
 For the purpose of renovating committee hearing room space  
 Representing expenditures originally authorized under the provisions of  
 House Bill Section 2018.029, an Act of the 98th General Assembly,  
 Second Regular Session  
 From Facilities Maintenance Reserve Fund (0124). . . . . \$500,000

**SECTION 17.275.**— 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 2018.035, an Act of the 98th General Assembly,  
 Second Regular Session  
 From Facilities Maintenance Reserve Fund (0124). . . . . \$394,783

**SECTION 17.280.**— 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 2017.265, an Act of the 98th General Assembly,  
 Second Regular Session  
 From General Revenue Fund (0101). . . . . \$719,513

**SECTION 17.285.**— 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 2017.270, an Act of the 98th General  
 Assembly, Second Regular Session  
 From Fulton State Hospital Bond Proceeds Fund (various). . . . . \$136,773,258

**SECTION 17.290.**— 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 2017.275, an Act of the 98th General Assembly,  
 Second Regular Session  
 From General Revenue Fund (0101). . . . . \$57,990

**SECTION 17.295.**— 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 and most recently authorized under the provisions of  
   House Bill Section 2017.290, an Act of the 98th General Assembly,  
   Second Regular Session  
 From Office of Administration Federal and Other Fund (0135) . . . . . \$250,000

**SECTION 17.300.**— 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 and most recently authorized under the provisions of  
   House Bill Section 2017.295, an Act of the 98th General Assembly,  
   Second Regular Session  
 From Grants and Contributions Fund (0723) . . . . . \$250,000

**SECTION 17.305.**— 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 and most recently authorized under the provisions of  
   House Bill Section 2017.300, an Act of the 98th General Assembly,  
   Second Regular Session  
 From Office of Administration Revolving Administrative Trust Fund (0505) . . . . . \$241,582

**SECTION 17.310.**— 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 and most recently authorized under the provisions of  
   House Bill Section 2017.305, an Act of the 98th General Assembly,  
   Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various) . . . . . \$12,739,185

**SECTION 17.325.**— 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 and most recently authorized under the provisions of  
   House Bill Section 2017.320, an Act of the 98th General Assembly,  
   Second Regular Session

From Missouri Development Finance Board Bond Proceeds Fund (various). . . \$34,650,344

**SECTION 17.330.**— 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 and most recently authorized under the provisions of House Bill Section 2017.325, an Act of the 98th General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$2,722,513

**SECTION 17.335.**— 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, and most recently authorized under the provisions of House Bill Section 2017.330, an Act of the 98th General Assembly, Second Regular Session

From State Park Earnings Fund (0415). . . . . \$4,019,713

From Department of Natural Resources Federal Fund (0140). . . . . 1,853,121

Total. . . . . \$5,872,834

**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 18.030, an Act of the 97th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 2017.335, an Act of the 98th General Assembly, Second Regular Session

From Parks Sales Tax Fund (0613). . . . . \$1,951,157

**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 19.015, an Act of the 97th General Assembly, First Regular Session, and most recently authorized under the provisions of

House Bill Section 2017.340, an Act of the 98th General Assembly, Second Regular Session	
From State Park Earnings Fund (0415).....	\$123,888
From Department of Natural Resources Federal Fund (0140).....	49,530
Total.....	<u>\$173,418</u>

**SECTION 17.350.**— 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, 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 and most recently authorized under the provisions of House Bill Section 2017.345, an Act of the 98th General Assembly, Second Regular Session	
From State Park Earnings Fund (0415).....	\$433,091
From Department of Natural Resources Federal Fund (0140) . . . . .	1,594,161
From Parks Sales Tax Fund (0613) . . . . .	1,068,953
From Historic Preservation Revolving Fund (0430).....	500,000
Total.....	<u>\$3,596,205</u>

**SECTION 17.355.**— 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 recoupments, donations, and grants Representing expenditures originally authorized under the provisions of House Bill Section 2018.040, an Act of the 98th General Assembly, Second Regular Session	
From State Park Earnings Fund (0415).....	\$2,063,507
From Department of Natural Resources Federal Fund (0140) . . . . .	1,000,000
From Parks Sales Tax Fund (0613) . . . . .	2,751,637
From Historic Preservation Revolving Fund (0430).....	500,000
Total.....	<u>\$6,315,144</u>

**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 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 and most recently authorized under the provisions of	
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House Bill Section 2017.350, an Act of the 98th General Assembly,  
 Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$638,706

**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 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 and most recently authorized under the provisions of  
 House Bill Section 2017.355, an Act of the 98th General Assembly,  
 Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$2,396,151

**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 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 and most recently authorized under the provisions of  
 House Bill Section 2017.360, an Act of the 98th General Assembly,  
 Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$1,912,120

**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 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 and most recently authorized under the provisions of  
 House Bill Section 2017.365, an Act of the 98th General Assembly,  
 Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$443,437

**SECTION 17.380.**— 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 and most recently authorized under the provisions of  
 House Bill Section 2017.370, an Act of the 98th General Assembly,  
 Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$1,552,888

**SECTION 17.385.**— 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 and most recently authorized under the provisions of  
 House Bill Section 2017.375, an Act of the 98th General Assembly,  
 Second Regular Session



From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$1,587,010

**SECTION 17.390.**— 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 count seat

Representing expenditures originally authorized under the provisions of House Bill Section 2018.085, an Act of the 98th General Assembly, Second Regular Session

From General Revenue Fund (0101). . . . . \$668,384

**SECTION 17.395.**— 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 2017.385, an Act of the 98th General Assembly, Second Regular Session

From Conservation Commission Fund (0609). . . . . \$27,919

**SECTION 17.400.**— 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 and most recently authorized under the provisions of House Bill Section 2017.390, an Act of the 98th General Assembly, Second Regular Session

From Conservation Commission Fund (0609). . . . . \$15,474,191

**SECTION 17.405.**— 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 2018.045, an Act of the 98th General Assembly, Second Regular Session  
 From Conservation Commission Fund (0609). . . . . \$28,419,939

**SECTION 17.410.**— 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 2017.395, an Act of the 98th General Assembly, Second Regular Session  
 From State Highways and Transportation Department Fund (0644). . . . . \$1,812,070

**SECTION 17.415.**— 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 and most recently authorized under the provisions of House Bill Section 2017.400, an Act of the 98th General Assembly, Second Regular Session  
 From State Highways and Transportation Department Fund (0644). . . . . \$1,445,181

**SECTION 17.420.**— 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 2018.050, an Act of the 98th General Assembly, Second Regular Session  
 From State Highways and Transportation Department Fund (0644). . . . . \$627,639

**SECTION 17.425.**— 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 2017.405, an Act of the 98th General Assembly, Second Regular Session  
 From Missouri Veterans Commission Federal Fund (0184). . . . . \$7,236,574  
 From Veterans Commission Capital Improvement Trust Fund (0304). . . . . 10,555,025  
 Total. . . . . \$17,791,599

**SECTION 17.430.**— To the Office of Administration  
 For the Department of Public Safety

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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 2017.410, an Act of the 98th General Assembly,  
Second Regular Session  
From Missouri Veterans Commission Federal Fund (0184). . . . . \$729,872  
From Veterans Commission Capital Improvement Trust Fund (0304). . . . . 980,444  
Total. . . . . \$1,710,316

**SECTION 17.435.**— 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 2017.420, an Act of the 98th General Assembly,  
Second Regular Session  
From Missouri Veterans Commission Federal Fund (0184). . . . . \$287,727  
From Veterans Commission Capital Improvement Trust Fund (0304). . . . . 500,000  
Total. . . . . \$787,727

**SECTION 17.440.**— 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 and most recently authorized under the provisions of  
House Bill Section 2017.425, an Act of the 98th General Assembly,  
Second Regular Session  
From Veterans Commission Capital Improvement Trust Fund (0304). . . . . \$657,055

**SECTION 17.445.**— 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 2018.055, an Act of the 98th General Assembly,  
Second Regular Session  
From Veterans Commission Capital Improvement Trust Fund (0304). . . . . \$6,333,412

**SECTION 17.450.**— 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 and most recently authorized under the provisions of  
House Bill Section 2017.430, an Act of the 98th General Assembly,  
Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$13,567,181

**SECTION 17.455.**— 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 2017.435, an Act of the 98th General Assembly,  
     Second Regular Session  
 From Adjutant General Federal Fund (0190). . . . . \$3,377,972

**SECTION 17.460.**— 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 2017.440, an Act of the 98th General Assembly,  
     Second Regular Session  
 From Adjutant General Federal Fund (0190). . . . . \$356,377

**SECTION 17.465.**— 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 and most recently authorized under the provisions of  
     House Bill Section 2017.445, an Act of the 98th General Assembly,  
     Second Regular Session  
 From Adjutant General Federal Fund (0190). . . . . \$15,349,224

**SECTION 17.470.**— 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 2018.065, an Act of the 98th General Assembly,  
     Second Regular Session  
 From Adjutant General Federal Fund (0190). . . . . \$20,000,000

**SECTION 17.475.**— 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 and most recently authorized under the provisions of  
     House Bill Section 2017.450, an Act of the 98th General Assembly,  
     Second Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$12,481,290

**SECTION 17.480.**— To the Office of Administration  
 For the Department of 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 and most recently authorized under the provisions of House Bill Section 2017.455, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$13,264,552

**SECTION 17.485.**— 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 and most recently authorized under the provisions of House Bill Section 2017.460, an Act of the 98th General Assembly, Second Regular Session  
From Department of Social Services Educational Improvement Fund (0620). . . . . \$36,408

**SECTION 17.490.**— 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 2018.070, an Act of the 98th General Assembly, Second Regular Session  
From Department of Social Services Educational Improvement Fund (0620). . . . . \$400,000

**SECTION 17.495.**— 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 and most recently authorized under the provisions of House Bill Section 2017.465, an Act of the 98th General Assembly, Second Regular Session  
From Board of Public Buildings Bond Proceeds Fund (various). . . . . \$3,624,367

**Bill Totals**  
General Revenue Fund. . . . . \$18,976,152  
Federal Funds. . . . . 52,199,831  
Other Funds. . . . . 459,143,116  
Total. . . . . \$530,319,099

Approved June 30, 2017

HB 18 [SCS HCS HB 18 ]

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

**To appropriate money for purposes for the several departments and offices of state government; for 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 refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2017 and ending June 30, 2018.

*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, 2017 and ending June 30, 2018, as follows:

**SECTION 18.005.**— To the Office of Administration  
For the Department of Elementary and Secondary Education  
For maintenance, repairs, replacements, unprogrammed requirements,  
emergency requirements, operational maintenance and repair, and  
improvements at facilities statewide  
From Facilities Maintenance Reserve Fund (0124) . . . . . \$1,239,856

**SECTION 18.010.**— Funds are to be transferred out of the State Treasury,  
chargeable to the General Revenue Fund, to the Facilities Maintenance  
Reserve Fund  
From General Revenue Fund (0101) . . . . . \$82,400,000

**SECTION 18.015.**— To the Office of Administration  
For the Division of Facilities Management, Design and Construction  
For emergency requirements, unprogrammed requirements, appraisals and  
surveys, assessment, abatement, removal remediation, and management  
of hazardous materials and pollutants, energy conservation, and  
project administration requirements for facilities statewide  
From Facilities Maintenance Reserve Fund (0124) . . . . . \$10,904,800

For maintenance, repairs, replacements, unprogrammed requirements,  
emergency requirements, operational maintenance and repair, and  
improvements at state facilities  
From Facilities Maintenance Reserve Fund (0124) . . . . . 16,045,031

For elevator modernization at the Prince Hall Family Support Center  
From Facilities Maintenance Reserve Fund (0124) . . . . . 1,486,650  
Total . . . . . \$28,436,481

**SECTION 18.020.**— To the Office of Administration  
For the Department of Agriculture  
For maintenance, repairs, replacements, unprogrammed requirements,  
emergency requirements, operational maintenance and repair, and  
improvements at facilities statewide  
From Facilities Maintenance Reserve Fund (0124) . . . . . \$2,022,922

**SECTION 18.030.**— 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, 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 recoupments, donations, and grants	
From Department of Natural Resources Federal Fund (0140) . . . . .	\$500,000
From State Park Earnings Fund (0415) . . . . .	3,950,000
From Historic Preservation Revolving Fund (0430) . . . . .	500,000
From Parks Sales Tax Fund (0613) . . . . .	<u>1,680,000</u>
Total . . . . .	<u>\$6,630,000</u>

<b>SECTION 18.035.</b> — To the Office of Administration	
For the Department of Labor and Industrial Relations	
For critical repairs, replacements, and improvements at facilities statewide	
From Workers' Compensation Fund (0652) . . . . .	\$200,000
From Special Employment Security Fund (0949) . . . . .	<u>400,000</u>
Total . . . . .	<u>\$600,000</u>

<b>SECTION 18.040.</b> — To the Office of Administration	
For the Department of Public Safety	
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide	
From State Highways and Transportation Department Fund (0644) . . . . .	\$1,430,620

<b>SECTION 18.045.</b> — 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) . . . . .	\$35,743,048

<b>SECTION 18.050.</b> — To the Office of Administration	
For the Adjutant General - Missouri National Guard	
For maintenance and repair at National Guard facilities statewide	
From Facilities Maintenance Reserve Fund (0124) . . . . .	\$3,021,213
From Adjutant General Federal Fund (0190) . . . . .	<u>10,000,000</u>
Total . . . . .	<u>\$13,021,213</u>

<b>SECTION 18.055.</b> — To the Office of Administration	
For the Department of Corrections	
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide	
From Facilities Maintenance Reserve Fund (0124) . . . . .	\$4,054,566

<b>SECTION 18.060.</b> — To the Office of Administration	
For the Department of Mental Health	
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide	
From Facilities Maintenance Reserve Fund (0124) . . . . .	\$6,571,730

**SECTION 18.065.**— To the Office of Administration

For the Department of Social Services

For maintenance, repairs, replacements, unprogrammed requirements,  
emergency requirements, operational maintenance and repair, and  
improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124) . . . . .	\$1,425,754
From Department of Social Services - Federal and Other Fund (0610) . . . . .	400,000
Total . . . . .	<u>\$1,825,754</u>

**SECTION 18.070.**— To the Office of Administration

For repair and renovations to the exterior of the State Capitol Building

From Board of Public Buildings Bond Proceeds Fund (various) . . . . . \$25,366,069

**SECTION 18.075.**— To the Office of Administration

For repair and renovations for the 830 MoDOT Drive Project

From Board of Public Buildings Bond Proceeds Fund (various) . . . . . \$6,400,000

**SECTION 18.080.**— To the Office of Administration

For repair and renovations for the Capitol Annex/MoDOT Headquarters

Project, provided that employees of the Senate and the House of  
Representatives in the research offices, appropriation offices, and  
information technology offices shall not be combined and/or  
permanently relocated out of the State Capitol Building without  
approval of the General Assembly

From Board of Public Buildings Bond Proceeds Fund (various) . . . . . \$2,900,000

**SECTION 18.085.**— To the Office of Administration

For the Department of Mental Health

For maintenance, repair, renovations, and improvements at the Bellefontaine

Habilitation Center Campus for consolidation of the St. Louis

Developmental Disabilities Treatment Center

From Facilities Maintenance Reserve Fund (0124) . . . . . \$1,500,000

**Bill Totals**

General Revenue Fund . . . . .	\$82,400,000
Federal Funds . . . . .	10,900,000
Other Funds . . . . .	<u>78,569,737</u>
Total . . . . .	<u>\$171,869,737</u>

Approved June 30, 2017



## HB 34 [HB 34]

**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 Uniform Commercial Code to adopt the current version of Articles 1 and 7**

AN ACT to repeal sections 400.1-101, 400.1-102, 400.1-103, 400.1-105, 400.1-106, 400.1-107, 400.1-108, 400.1-201, 400.1-202, 400.1-203, 400.1-204, 400.1-205, 400.1-206, 400.1-207, 400.1-208, 400.7-102, 400.7-103, 400.7-104, 400.7-105, 400.7-201, 400.7-202, 400.7-203, 400.7-204, 400.7-205, 400.7-206, 400.7-207, 400.7-208, 400.7-209, 400.7-210, 400.7-301, 400.7-302, 400.7-303, 400.7-304, 400.7-305, 400.7-307, 400.7-308, 400.7-309, 400.7-401, 400.7-402, 400.7-403, 400.7-404, 400.7-501, 400.7-502, 400.7-503, 400.7-504, 400.7-505, 400.7-506, 400.7-507, 400.7-508, 400.7-509, 400.7-601, 400.7-602, 400.7-603, and 400.7-604, RSMo, and to enact in lieu thereof sixty-four new sections relating to the uniform commercial code.

## SECTION

- A. Enacting clause.
- 400.1-101. Short titles.
- 400.1-102. Scope of article.
- 400.1-103. Construction of code to promote its purpose and policies — applicability of supplemental principles of law.
- 400.1-105. Severability.
- 400.1-106. Use of singular and plural — gender.
- 400.1-107. Section captions.
- 400.1-108. Relation to Electronic Signatures in Global and National Commerce Act.
- 400.1-201. General definitions.
- 400.1-202. Notice — knowledge.
- 400.1-203. Lease distinguished from security interest.
- 400.1-204. Value.
- 400.1-205. Reasonable time — seasonableness.
- 400.1-206. Presumptions.
- 400.1-301. Territorial applicability — parties' power to choose applicable law.
- 400.1-302. Variation by agreement.
- 400.1-303. Course of performance, course of dealing, and usage of trade.
- 400.1-304. Obligation of good faith.
- 400.1-305. Remedies to be liberally administered.
- 400.1-306. Waiver of renunciation of claim of right after breach.
- 400.1-307. Prima facie evidence of third-party documents.
- 400.1-308. Performance or acceptance under reservation of rights.
- 400.1-309. Option to accelerate at will.
- 400.1-310. Subordinated obligations.
- 400.7-102. Definitions and index of definitions.
- 400.7-103. Relation of article to treaty, statute, tariff, classification or regulation.
- 400.7-104. Negotiable and nonnegotiable warehouse receipt, bill of lading or other document of title.
- 400.7-105. Construction against negative implication.
- 400.7-106. Control of electronic document of title.
- 400.7-201. Who may issue a warehouse receipt — storage under government bond.
- 400.7-202. Form of warehouse receipt — essential terms — optional terms.
- 400.7-203. Liability for nonreceipt or misdescription.
- 400.7-204. Duty of care — contractual limitation of warehouseman's liability.
- 400.7-205. Title under warehouse receipt defeated in certain cases.
- 400.7-206. Termination of storage at warehouseman's option.
- 400.7-207. Goods must be kept separate — fungible goods.
- 400.7-208. Altered warehouse receipts.
- 400.7-209. Lien of warehouseman.
- 400.7-210. Enforcement of warehouseman's lien.
- 400.7-301. Liability for nonreceipt or misdescription — "said to contain" — "shipper's load and count" — improper handling.

- 400.7-302. Through bills of lading and similar documents.  
 400.7-303. Diversion — reconsignment — change of instructions.  
 400.7-304. Bills of lading in a set.  
 400.7-305. Destination bills.  
 400.7-307. Lien of carrier.  
 400.7-308. Enforcement of carrier's lien.  
 400.7-309. Duty of care — contractual limitation of carrier's liability.  
 400.7-401. Irregularities in issue of receipt or bill or conduct of issuer.  
 400.7-402. Duplicate receipt or bill — overissue.  
 400.7-403. Obligation of warehouseman or carrier to deliver — excuse.  
 400.7-404. No liability for good faith delivery pursuant to receipt or bill.  
 400.7-501. Form of negotiation and requirements of "due negotiation".  
 400.7-502. Rights acquired by due negotiation.  
 400.7-503. Document of title to goods defeated in certain cases.  
 400.7-504. Rights acquired in the absence of due negotiation — effect of diversion — seller's stoppage of delivery.  
 400.7-505. Indorser not a guarantor for other parties.  
 400.7-506. Delivery without indorsement — right to compel indorsement.  
 400.7-507. Warranties on negotiation or transfer of receipt or bill.  
 400.7-508. Warranties of collecting bank as to documents.  
 400.7-509. Receipt or bill — when adequate compliance with commercial contract.  
 400.7-601. Lost and missing documents.  
 400.7-602. Attachment of goods covered by a negotiable document.  
 400.7-603. Conflicting claims — interpleader.  
 400.7-703. Applicability.  
 400.7-704. Savings clause.  
 400.1-207. Performance or acceptance under reservation of rights.  
 400.1-208. Option to accelerate at will.  
 400.7-604. Conflicts with sections 415.400 to 415.430, 415.400 to 415.430 control.

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

**SECTION A. ENACTING CLAUSE.** — Sections 400.1-101, 400.1-102, 400.1-103, 400.1-105, 400.1-106, 400.1-107, 400.1-108, 400.1-201, 400.1-202, 400.1-203, 400.1-204, 400.1-205, 400.1-206, 400.1-207, 400.1-208, 400.7-102, 400.7-103, 400.7-104, 400.7-105, 400.7-201, 400.7-202, 400.7-203, 400.7-204, 400.7-205, 400.7-206, 400.7-207, 400.7-208, 400.7-209, 400.7-210, 400.7-301, 400.7-302, 400.7-303, 400.7-304, 400.7-305, 400.7-307, 400.7-308, 400.7-309, 400.7-401, 400.7-402, 400.7-403, 400.7-404, 400.7-501, 400.7-502, 400.7-503, 400.7-504, 400.7-505, 400.7-506, 400.7-507, 400.7-508, 400.7-509, 400.7-601, 400.7-602, 400.7-603, and 400.7-604, RSMo, are repealed and sixty-four new sections enacted in lieu thereof, to be known as sections 400.1-101, 400.1-102, 400.1-103, 400.1-105, 400.1-106, 400.1-107, 400.1-108, 400.1-201, 400.1-202, 400.1-203, 400.1-204, 400.1-205, 400.1-206, 400.1-301, 400.1-302, 400.1-303, 400.1-304, 400.1-305, 400.1-306, 400.1-307, 400.1-308, 400.1-309, 400.1-310, 400.7-102, 400.7-103, 400.7-104, 400.7-105, 400.7-106, 400.7-201, 400.7-202, 400.7-203, 400.7-204, 400.7-205, 400.7-206, 400.7-207, 400.7-208, 400.7-209, 400.7-210, 400.7-301, 400.7-302, 400.7-303, 400.7-304, 400.7-305, 400.7-307, 400.7-308, 400.7-309, 400.7-401, 400.7-402, 400.7-403, 400.7-404, 400.7-501, 400.7-502, 400.7-503, 400.7-504, 400.7-505, 400.7-506, 400.7-507, 400.7-508, 400.7-509, 400.7-601, 400.7-602, 400.7-603, 400.7-703, and 400.7-704, to read as follows:

**400.1-101. SHORT TITLES.** — (a) This chapter shall be known and may be cited as "Uniform Commercial Code".

(b) This article may be cited as **Uniform Commercial Code - General Provisions.**

**400.1-102. SCOPE OF ARTICLE.** — ~~[(1) This chapter shall be liberally construed and applied to promote its underlying purposes and policies;~~

~~— (2) Underlying purposes and policies of this chapter are~~

~~— (a) to simplify, clarify and modernize the law governing commercial transactions;~~

~~— (b) to permit the continued expansion of commercial practices through custom, usage and agreement of the parties;~~

- ~~— (c) to make uniform the law among the various jurisdictions.~~
- ~~— (3) The effect of provisions of this chapter may be varied by agreement, except as otherwise provided in this chapter and except that the obligations of good faith, diligence, reasonableness and care prescribed by this chapter may not be disclaimed by agreement but the parties may by agreement determine the standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable.~~
- ~~— (4) The presence in certain provisions of this chapter of the words "unless otherwise agreed" or words of similar import does not imply that the effect of other provisions may not be varied by agreement under subsection (3).~~
- ~~— (5) In this chapter unless the context otherwise requires~~
- ~~— (a) words in the singular number include the plural, and in the plural include the singular;~~
- ~~— (b) words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.] This article applies to a transaction to the extent that it is governed by another article of this chapter.~~

**400.1-103. CONSTRUCTION OF CODE TO PROMOTE ITS PURPOSE AND POLICIES — APPLICABILITY OF SUPPLEMENTAL PRINCIPLES OF LAW. — (a) This chapter shall be liberally construed and applied to promote its underlying purposes and policies, which are:**

- (1) to simplify, clarify, and modernize the law governing commercial transactions;**
  - (2) to permit the continued expansion of commercial practices through custom, usage, and agreement of the parties; and**
  - (3) to make uniform the law among the various jurisdictions.**
- (b)** Unless displaced by the particular provisions of this chapter, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, [or] and other validating or invalidating cause [shall] supplement its provisions.

**400.1-105. SEVERABILITY. —** ~~[(1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. Failing such agreement this chapter applies to transactions bearing an appropriate relation to this state.~~

~~— (2) Where one of the following provisions of this chapter specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:~~

- ~~— Rights of creditors against sold goods. Section 400.2-402.~~
- ~~— Applicability of the Article on Leases. Sections 400.2A-105 and 400.2A-106.~~
- ~~— Applicability of the Article on Bank Deposits and Collections. Section 400.4-102.~~
- ~~— Letter of credit. Section 400.5-116.~~
- ~~— Applicability of the Article on Investment Securities. Section 400.8-110.~~
- ~~— Law governing perfection, the effect of perfection or nonperfection, and the priority of security interests. Sections 400.9-301 through 400.9-307.] If any provision or clause of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.~~

**400.1-106. USE OF SINGULAR AND PLURAL — GENDER. —** ~~[(1) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special~~

nor penal damages may be had except as specifically provided in this chapter or by other rule of law.

~~— (2) Any right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect.] In this chapter, unless the statutory context otherwise requires:~~

- ~~(1) words in the singular number include the plural, and those in the plural include the singular; and~~
- ~~(2) words of any gender also refer to any other gender.~~

**400.1-107. SECTION CAPTIONS.** — [Any claim or right arising out of an alleged breach can be discharged in whole or in part without consideration by a written waiver or renunciation signed and delivered by the aggrieved party.] **Section captions are part of this chapter.**

**400.1-108. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.** — [~~If any provision or clause of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.] This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., except that nothing in this chapter modifies, limits, or supersedes Section 7001(c) of that Act, 15 U.S.C. Section 7001(c), or authorizes electronic delivery of any of the notices described in Section 7003(b) of that Act, 15 U.S.C. Section 7003(b).~~

**400.1-201. GENERAL DEFINITIONS.** — [Subject to additional definitions contained in the subsequent articles of this chapter which are applicable to specific articles or parts thereof, and] **(a) Unless the context otherwise requires, [in this chapter] words or phrases defined in this section, or in the additional definitions contained in other articles of this chapter that apply to particular articles or parts thereof, have the meanings stated.**

**(b) Subject to definitions contained in other articles of this chapter that apply to particular articles or parts thereof:**

(1) "Action", in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other [~~proceedings~~] **proceeding** in which rights are determined.

(2) "Aggrieved party" means a party entitled to [~~resort to~~] **pursue** a remedy.

(3) "Agreement", **as distinguished from "contract"**, means the bargain of the parties in fact, as found in their language or [~~by implication~~] **inferred** from other circumstances, including **course of performance**, course of dealing, or usage of trade [~~or course of performance~~] as provided in [~~this chapter (sections 400.1-205 and 400.2-208). Whether an agreement has legal consequences is determined by the provisions of this chapter, if applicable; otherwise by the law of contracts (] section [400.1-103)]~~] **400.1-303.** [(Compare "Contract".)]

(4) "Bank" means [~~any~~] **a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.**

(5) "Bearer" means [~~the~~] **a person in possession of [an] a negotiable instrument, document of title, or certificated security that is payable to bearer or [endorsed] indorsed in blank.**

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods[~~], and includes an airbill.~~ "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill].

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the [~~triers~~] **trier** of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith ~~and~~, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under article 2 may be a buyer in ordinary course of business. **"Buyer in ordinary course of business" does not include** a person that acquires goods in a transfer in bulk or as security for~~;~~ or in total or partial satisfaction of~~;~~ a money debt ~~[is not a buyer in ordinary course of business].~~

(10) "Conspicuous"~~;~~, **with reference to** a term ~~[or clause is conspicuous when it is],~~ means so written, **displayed, or presented** that a reasonable person against ~~[whom]~~ **which** it is to operate ought to have noticed it. ~~[A printed heading in capitals (as: NONNEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous".]~~ Whether a term ~~[or clause]~~ is "conspicuous" or not is ~~[for]~~ a decision ~~[by]~~ for the court. **Conspicuous terms include the following:**

(A) a heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and

(B) language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.

(11) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) "Contract", as distinguished from "agreement", means the total legal obligation ~~[which]~~ that results from the parties' agreement as ~~[affected]~~ **determined** by this chapter ~~[and]~~ as **supplemented by** any other applicable ~~[rules of law]~~ laws. ~~[(Compare "Agreement".)]~~

~~[(42)]~~ (13) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

~~[(43)]~~ (14) "Defendant" includes a person in the position of defendant in a ~~[cross-action or]~~ counterclaim, **cross-claim, or third-party claim.**

~~[(44)]~~ (15) "Delivery", with respect to ~~[instruments documents]~~ **an instrument**, document of title, or chattel paper, ~~[or certificated securities]~~ means voluntary transfer of possession.

~~[(45)]~~ (16) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold, and dispose of the document and the goods it covers. To be a document of title, a document ~~[must]~~ **shall** purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

~~[(46)]~~ (17) "Fault" means a **default, breach, or wrongful act**~~;~~ or omission ~~[or breach].~~

~~[(47)]~~ (18) "Fungible goods" ~~[with respect to goods or securities]~~ means:

(A) goods ~~[or securities]~~ of which any unit ~~[is]~~, by nature or usage of trade, is the equivalent of any other like unit~~;~~; or

**(B)** goods ~~[which are not fungible shall be deemed fungible for the purposes of this chapter to the extent]~~ that by ~~[under a particular]~~ agreement ~~[or document unlike units]~~ are treated as ~~[equivalents]~~ **equivalent**.

~~[(48)]~~ **(19)** "Genuine" means free of forgery or counterfeiting.

~~[(49)]~~ **(20)** "Good faith", **except as otherwise provided in article 5**, means honesty in fact ~~[in the conduct or transaction concerned]~~ **and the observance of reasonable commercial standards of fair dealing**.

~~[(20)]~~ **(21)** "Holder" ~~[with respect to a negotiable instrument,]~~ means:

**(A)** the person in possession ~~[if the]~~ **of a negotiable instrument that** is payable **either** to bearer or ~~[, in the case of an instrument payable]~~ to an identified person ~~[if the identified]~~ **that is the person [is] in possession** ~~[- Holder" with respect to a document of title means]~~ ; **or**

**(B)** **the person in possession of a document of title** if the goods are deliverable **either** to bearer or to the order of the person in possession.

~~[(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.]~~

**(22)** "Insolvency ~~[proceedings]~~ **proceeding**" includes ~~[any]~~ **an** assignment for the benefit of creditors or other ~~[proceedings]~~ **proceeding** intended to liquidate or rehabilitate the estate of the person involved.

**(23)** ~~[A person is]~~ "Insolvent" ~~[who either has]~~ **means:**

**(A)** **having generally** ceased to pay ~~[his or her]~~ debts in the ordinary course of business ~~[or cannot pay his or her]~~ **other than as a result of bona fide dispute;**

**(B)** **being unable to pay** debts as they become due; or ~~[is]~~

**(C)** **being insolvent** within the meaning of ~~[the]~~ federal bankruptcy law.

**(24)** "Money" means a medium of exchange **currently** authorized or adopted by a domestic or foreign government ~~[and]~~. **The term** includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more ~~[nations]~~ **countries**.

**(25)** ~~[A person has "notice" of a fact when~~

~~— (a) a person has actual knowledge of it; or~~

~~— (b) a person has received a notice or notification of it; or~~

~~— (c) from all the facts and circumstances known to him or her at the time in question he or she has reason to know that it exists.~~

A person "knows" or has "knowledge" of a fact when a person has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this chapter.

~~— (26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when~~

~~— (a) it comes to a person's attention, or~~

~~— (b) it is duly delivered at the place of business through which the contract was made or at any other place held out by a person as the place for receipt of such communications.~~

~~— (27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to an individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of an individual's regular duties or~~

~~unless he or she has reason to know of the transaction and that the transaction would be materially affected by the information.~~

~~—(28)~~ "Organization" [~~includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity~~] **means a person other than an individual.**

~~[(29)]~~ (26) "Party", as [~~distinct~~] **distinguished** from "third party", means a person [~~who~~] **that** has engaged in a transaction or made an agreement [~~within~~] **subject to** this chapter.

~~[(30)]~~ (27) "Person" [~~includes~~] **means** an individual [~~or an organization (see section 400.1-402)~~], **corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.**

~~[(31)]~~ "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

~~—(32)]~~ (28) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

(29) "Purchase" [~~includes~~] **means** taking by sale, **lease**, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

~~[(33)]~~ (30) "Purchaser" means a person [~~who~~] **that** takes by purchase.

~~[(34)]~~ (31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

~~[(35)]~~ (33) "Representative" [~~includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other~~] **means** a person empowered to act for another, **including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.**

~~[(36)]~~ "Rights" (34) "Right" includes [~~remedies~~] **remedy.**

~~[(37)]~~ (35) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. [~~The term also~~] **"Security interest"** includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to article 9. **"Security interest" does not include** the special property interest of a buyer of goods on identification of those goods to a contract for sale under section 400.2-401 [~~is not a "security interest"~~], but a buyer may also acquire a "security interest" by complying with article 9. Except as otherwise provided in section 400.2-505, the right of a seller or lessor of goods under article 2 or 2A to retain or acquire possession of the goods is not a "security interest", but a seller or lessor may also acquire a "security interest" by complying with article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer [~~{~~] **under** section 400.2-401 [~~}~~] is limited in effect to a reservation of a "security interest". Whether a transaction [~~creates~~] **in the form of a lease** [~~or~~] **creates a "security interest"** is determined [~~by the facts of each case; however, a transaction creates a security interest if the consideration the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease not subject to termination by the lessee, and~~

~~—~~ (a) the original term of the lease is equal to or greater than the remaining economic life of the goods;

— (b) the lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods;

— (c) the lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement; or

— (d) the lessee has an option to become the owner of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement:

A transaction does not create a security interest merely because it provides that

— (a) the present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into;

— (b) the lessee assumes risk of loss of the goods, or agrees to pay taxes, insurance, filing, recording, or registration fees, or service or maintenance costs with respect to the goods;

— (c) the lessee has an option to renew the lease or to become the owner of the goods;

— (d) the lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed; or

— (e) the lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed:

For purposes of subsection (37):

— (a) Additional consideration is not nominal if (i) when the option to renew the lease is granted to the lessee the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed, or (ii) when the option to become the owner of the goods is granted to the lessee the price is stated to be the fair market value of the goods determined at the time the option is to be performed. Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised;

— (b) "Reasonably predictable" and "remaining economic life of the goods" are to be determined with reference to the facts and circumstances at the time the transaction is entered into; and

— (c) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate is not manifestly unreasonable at the time the transaction is entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

— (38) pursuant to section 400.1-203.

(36) "Send" in connection with ~~[any]~~ a writing, record, or notice means:

(A) to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances; ~~The receipt of any writing~~; or

(B) in any other way to cause to be received any record or notice within the time [at which] it would have arrived if properly sent ~~[has the effect of a proper sending]~~.

~~[(39)]~~ (37) "Signed" includes using any symbol executed or adopted ~~[by a party]~~ with present intention to ~~[authenticate]~~ adopt or accept a writing.

~~[(40)]~~ "Special property" means identifiable property in which the holder has only a qualified, temporary, or limited interest.



—(41) (38) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(39) "Surety" includes a guarantor or other secondary obligor.

[(42) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

—(43) (40) "Term" means ~~that~~ a portion of an agreement ~~which~~ that relates to a particular matter.

[(44) (41) "Unauthorized[]" signature" means ~~one~~ a signature made without actual, implied, or apparent authority ~~and~~. The term includes a forgery.

[(45) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (sections 400.3-303, 400.4-208 and 400.4-209) a person gives "value" for rights if he or she acquires them

—(a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

—(b) as security for or in total or partial satisfaction of a preexisting claim; or

—(c) by accepting delivery pursuant to a preexisting contract for purchase; or

—(d) generally, in return for any consideration sufficient to support a simple contract.

—(46) (42) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

[(47) "Written" or] (43) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

**400.1-202. NOTICE — KNOWLEDGE.** — [A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party shall be prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.] (a) Subject to subsection (f), a person has "notice" of a fact if the person:

(1) has actual knowledge of it;

(2) has received a notice or notification of it; or

(3) from all the facts and circumstances known to the person at the time in question, has reason to know that it exists.

(b) "Knowledge" means actual knowledge. "Knows" has a corresponding meaning.

(c) "Discover", "learn", or words of similar import refer to knowledge rather than to reason to know.

(d) A person "notifies" or "gives" a notice or notification to another person by taking such steps as may be reasonably required to inform the other person in ordinary course, whether or not the other person actually comes to know of it.

(e) Subject to subsection (f), a person "receives" a notice or notification when:

(1) it comes to that person's attention; or

(2) it is duly delivered in a form reasonable under the circumstances at the place of business through which the contract was made or at another location held out by that person as the place for receipt of such communications.

(f) Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have been brought to the individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the

organization to communicate information unless the communication is part of the individual's regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.

**400.1-203. LEASE DISTINGUISHED FROM SECURITY INTEREST.** — [Every contract or duty within this chapter imposes an obligation of good faith in its performance or enforcement.] (a) Whether a transaction in the form of a lease creates a lease or security interest is determined by the facts of each case.

(b) A transaction in the form of a lease creates a security interest if the consideration that the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease and is not subject to termination by the lessee, and:

(1) the original term of the lease is equal to or greater than the remaining economic life of the goods;

(2) the lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods;

(3) the lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement; or

(4) the lessee has an option to become the owner of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement.

(c) A transaction in the form of a lease does not create a security interest merely because:

(1) the present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into;

(2) the lessee assumes risk of loss of the goods;

(3) the lessee agrees to pay, with respect to the goods, taxes, insurance, filing, recording, or registration fees, or service or maintenance costs;

(4) the lessee has an option to renew the lease or to become the owner of the goods;

(5) the lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed; or

(6) the lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.

(d) Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised. Additional consideration is not nominal if:

(1) when the option to renew the lease is granted to the lessee, the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed; or

(2) when the option to become the owner of the goods is granted to the lessee, the price is stated to be the fair market value of the goods determined at the time the option is to be performed.

(e) The "remaining economic life of the goods" and "reasonably predictable" fair market rent, fair market value, or cost of performing under the lease agreement shall be determined with reference to the facts and circumstances at the time the transaction is entered into.

**400.1-204. VALUE.** — [(1) Whenever this chapter requires any action to be taken within a reasonable time, any time which is not manifestly unreasonable may be fixed by agreement.

~~— (2) What is a reasonable time for taking any action depends on the nature, purpose and circumstances of such action.~~

~~— (3) An action is taken "seasonably" when it is taken at or within the time agreed or if no time is agreed at or within a reasonable time.] Except as otherwise provided in articles 3, 4, and 5, a person gives value for rights if the person acquires them:~~

~~(1) in return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;~~

~~(2) as security for, or in total or partial satisfaction of, a preexisting claim;~~

~~(3) by accepting delivery under a preexisting contract for purchase; or~~

~~(4) in return for any consideration sufficient to support a simple contract.~~

**400.1-205. REASONABLE TIME — SEASONABLENESS.** — ~~[(1) A course of dealing is a sequence of previous conduct between the parties to a particular transaction which is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.~~

~~— (2) A usage of trade is any practice or method of dealing having such regularity of observance in a place, vocation or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage are to be proved as facts. If it is established that such a usage is embodied in a written trade code or similar writing the interpretation of the writing is for the court.~~

~~— (3) A course of dealing between parties and any usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware give particular meaning to and supplement or qualify terms of an agreement.~~

~~— (4) The express terms of an agreement and an applicable course of dealing or usage of trade shall be construed wherever reasonable as consistent with each other; but when such construction is unreasonable express terms control both course of dealing and usage of trade and course of dealing controls usage of trade.~~

~~— (5) An applicable usage of trade in the place where any part of performance is to occur shall be used in interpreting the agreement as to that part of the performance.~~

~~— (6) Evidence of a relevant usage of trade offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise to the latter.] (a) Whether a time for taking an action required by this chapter is reasonable depends on the nature, purpose, and circumstances of the action.~~

~~(b) An action is taken seasonably if it is taken at or within the time agreed or, if no time is agreed, at or within a reasonable time.~~

**400.1-206. PRESUMPTIONS.** — ~~[(1) Except in the cases described in subsection (2) of this section a contract for the sale of personal property is not enforceable by way of action or defense beyond five thousand dollars in amount or value of remedy unless there is some writing which indicates that a contract for sale has been made between the parties at a defined or stated price, reasonably identifies the subject matter, and is signed by the party against whom enforcement is sought or by his authorized agent.~~

~~— (2) Subsection (1) of this section does not apply to contracts for the sale of goods (section 400.2-201) nor of securities (section 400.8-113) nor to security agreements (section 400.9-203).]~~

~~Whenever this chapter creates a "presumption" with respect to a fact, or provides that a fact is "presumed", the trier of fact shall find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.~~

**400.1-301. TERRITORIAL APPLICABILITY — PARTIES' POWER TO CHOOSE APPLICABLE LAW.** — ~~(a) Except as otherwise provided in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree~~

that the law either of this state or of such other state or nation shall govern their rights and duties.

(b) In the absence of an agreement effective under subsection (a), and except as provided in subsection (c), this chapter applies to transactions bearing an appropriate relation to this state.

(c) If one of the following provisions of this chapter specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

- (1) section 400.2-402;
- (2) sections 400.2A-105 and 400.2A-106;
- (3) section 400.4-102;
- (4) section 400.4A-507;
- (5) section 400.5-116;
- (6) section 400.8-110;
- (7) sections 400.9-301 through 400.9-307.

**400.1-302. VARIATION BY AGREEMENT.** — (a) Except as otherwise provided in subsection (b) or elsewhere in this chapter, the effect of provisions of this chapter may be varied by agreement.

(b) The obligations of good faith, diligence, reasonableness, and care prescribed by this chapter shall not be disclaimed by agreement. The parties, by agreement, may determine the standards by which the performance of those obligations is to be measured if those standards are not manifestly unreasonable. Whenever this chapter requires an action to be taken within a reasonable time, a time that is not manifestly unreasonable may be fixed by agreement.

(c) The presence in certain provisions of this chapter of the phrase "unless otherwise agreed", or words of similar import, does not imply that the effect of other provisions shall not be varied by agreement under this section.

**400.1-303. COURSE OF PERFORMANCE, COURSE OF DEALING, AND USAGE OF TRADE.** —

(a) A "course of performance" is a sequence of conduct between the parties to a particular transaction that exists if:

- (1) the agreement of the parties with respect to the transaction involves repeated occasions for performance by a party; and
- (2) the other party, with knowledge of the nature of the performance and opportunity for objection to it, accepts the performance or acquiesces in it without objection.

(b) A "course of dealing" is a sequence of conduct concerning previous transactions between the parties to a particular transaction that is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

(c) A "usage of trade" is any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage shall be proved as facts. If it is established that such a usage is embodied in a trade code or similar record, the interpretation of the record is a question of law.

(d) A course of performance or course of dealing between the parties or usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware is relevant in ascertaining the meaning of the parties' agreement, may give particular meaning to specific terms of the agreement, and may supplement or qualify the terms of the agreement. A usage of trade applicable in the place in which part of the performance under the agreement is to occur may be so utilized as to that part of the performance.

(e) Except as otherwise provided in subsection (f), the express terms of an agreement and any applicable course of performance, course of dealing, or usage of trade shall be construed whenever reasonable as consistent with each other. If such a construction is unreasonable:

(1) express terms prevail over course of performance, course of dealing, and usage of trade;

(2) course of performance prevails over course of dealing and usage of trade; and

(3) course of dealing prevails over usage of trade.

(f) Subject to section 400.2-209, a course of performance is relevant to show a waiver or modification of any term inconsistent with the course of performance.

(g) Evidence of a relevant usage of trade offered by one party is not admissible unless that party has given the other party notice that the court finds sufficient to prevent unfair surprise to the other party.

**400.1-304. OBLIGATION OF GOOD FAITH.** — Every contract or duty within this chapter imposes an obligation of good faith in its performance and enforcement.

**400.1-305. REMEDIES TO BE LIBERALLY ADMINISTERED.** — (a) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special damages nor penal damages may be had except as specifically provided in this chapter or by other rule of law.

(b) Any right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect.

**400.1-306. WAIVER OF RENUNCIATION OF CLAIM OF RIGHT AFTER BREACH.** — A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in an authenticated record.

**400.1-307. PRIMA FACIE EVIDENCE OF THIRD-PARTY DOCUMENTS.** — A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party is prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

**400.1-308. PERFORMANCE OR ACCEPTANCE UNDER RESERVATION OF RIGHTS.** — (a) A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice", "under protest", or the like are sufficient.

(b) Subsection (a) does not apply to an accord and satisfaction.

**400.1-309. OPTION TO ACCELERATE AT WILL.** — A term providing that one party or that party's successor in interest may accelerate payment or performance or require collateral or additional collateral "at will" or when the party "deems itself insecure", or words of similar import, means that the party has power to do so only if that party in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against which the power has been exercised.

**400.1-310. SUBORDINATED OBLIGATIONS.** — An obligation may be issued as subordinated to performance of another obligation of the person obligated, or a creditor

may subordinate its right to performance of an obligation by agreement with either the person obligated or another creditor of the person obligated. Subordination does not create a security interest as against either the common debtor or a subordinated creditor.

**400.7-102. DEFINITIONS AND INDEX OF DEFINITIONS.** — [(1)] (a) In this article, unless the context otherwise requires:

[(a)] (1) "Bailee" means [the] a person [who] that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.

[(b)] (2) "Carrier" means a person that issues a bill of lading.

(3) "Consignee" means [the] a person named in a bill of lading to [whom] which or to whose order the bill promises delivery.

[(e)] (4) "Consignor" means [the] a person named in a bill of lading as the person from [whom] which the goods have been received for shipment.

[(d)] (5) "Delivery order" means a [written] record that contains an order to deliver goods directed to a [warehouseman] warehouse, carrier, or other person [who] that in the ordinary course of business issues warehouse receipts or bills of lading.

[(c)] "Document" means document of title as defined in the general definitions in article 1 (section 400.1-201).

— [(f)] (6) "Good faith" has the same meaning as in subdivision (6) of subsection (a) of section 400.1-201.

(7) "Goods" means all things [which] that are treated as movable for the purposes of a contract [of] for storage or transportation.

[(g)] (8) "Issuer" means a bailee [who] that issues a document [except that] of title or, in [relation to] the case of an unaccepted delivery order [it means] , the person [who] that orders the possessor of goods to deliver. [Issuer] The term includes [any] a person for [whom] which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, [notwithstanding that] even if the issuer [received no] did not receive any goods [or that], the goods were misdescribed, or [that] in any other respect the agent or employee violated [his] the issuer's instructions.

(9) "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

(10) "Record" has the same meaning as in subdivision (10) of subsection (a) of section 400.1-201.

(11) "Sign" means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic sound, symbol, or process.

(12) "Shipper" means a person that enters into a contract of transportation with a carrier.

[(h)] "Warehouseman" is] (13) "Warehouse" means a person engaged in the business of storing goods for hire.

[(2)] Other definitions applying to this article or to specified parts thereof, and the sections in which they appear are:

— "Duly negotiate". Section 400.7-501.

— "Person entitled under the document". Section 400.7-403(4).

— [(3)] (b) Definitions in other articles applying to this article and the sections in which they appear are:

(1) "Contract for sale"[-], section 400.2-106.

["Overseas". Section 400.2-323.]

(2) "Lessee in the ordinary course of business", section 400.2A-103.

(3) "Receipt" of goods~~[-]~~, section 400.2-103.  
[~~(4)~~] (c) In addition, article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

**400.7-103. RELATION OF ARTICLE TO TREATY, STATUTE, TARIFF, CLASSIFICATION OR REGULATION.** — ~~[To the extent that]~~ (a) **This article is subject to** any treaty or statute of the United States~~[-]~~ or regulatory statute of this state ~~[or tariff, classification or regulation filed or issued pursuant thereto]~~ **to the extent the treaty, statute, or regulatory statute is applicable**~~[- the provisions of this article are subject thereto].~~

(b) **This article does not modify or repeal any law prescribing the form or content of a document of title or the services or facilities to be afforded by a bailee, or otherwise regulating a bailee's business in respects not specifically treated in this article. However, violation of such a law does not affect the status of a document of title that otherwise is within the definition of a document of title.**

(c) **This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does 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).**

(d) **To the extent there is a conflict between the uniform electronic transactions act under sections 432.200 to 432.295 and this article, this article governs.**

**400.7-104. NEGOTIABLE AND NONNEGOTIABLE WAREHOUSE RECEIPT, BILL OF LADING OR OTHER DOCUMENT OF TITLE.** — ~~[(1) A warehouse receipt, bill of lading or other]~~ (a) **Except as otherwise provided in subsection (c), a** document of title is negotiable ~~[a]~~ if by its terms the goods are to be delivered to bearer or to the order of a named person~~[-or].~~

(b) ~~[where recognized in overseas trade, if it runs to a named person or assigns: — (2) Any other]~~ A document of title **other than one described in subsection (a)** is nonnegotiable. A bill of lading ~~[in which it is stated]~~ **that states** that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against ~~[a written]~~ **an order in a record** signed by the same or another named person.

(c) **A document of title is nonnegotiable if, at the time it is issued, the document has a conspicuous legend, however expressed, that it is nonnegotiable.**

**400.7-105. CONSTRUCTION AGAINST NEGATIVE IMPLICATION.** — ~~[The omission from either part 2 or part 3 of this article of a provision corresponding to a provision made in the other part does not imply that a corresponding rule of law is not applicable.]~~ (a) **Upon request of a person entitled under an electronic document of title, the issuer of the electronic document may issue a tangible document of title as a substitute for the electronic document if:**

(1) the person entitled under the electronic document surrenders control of the document to the issuer; and

(2) the tangible document when issued contains a statement that it is issued in substitution for the electronic document.

(b) Upon issuance of a tangible document of title in substitution for an electronic document of title in accordance with subsection (a):

(1) the electronic document ceases to have any effect or validity; and

(2) the person that procured issuance of the tangible document warrants to all subsequent persons entitled under the tangible document that the warrantor was a person entitled under the electronic document when the warrantor surrendered control of the electronic document to the issuer.

(c) Upon request of a person entitled under a tangible document of title, the issuer of the tangible document may issue an electronic document of title as a substitute for the tangible document if:

(1) the person entitled under the tangible document surrenders possession of the document to the issuer; and

(2) the electronic document when issued contains a statement that it is issued in substitution for the tangible document.

(d) Upon issuance of an electronic document of title in substitution for a tangible document of title in accordance with subsection (c):

(1) the tangible document ceases to have any effect or validity; and

(2) the person that procured issuance of the electronic document warrants to all subsequent persons entitled under the electronic document that the warrantor was a person entitled under the tangible document when the warrantor surrendered possession of the tangible document to the issuer.

**400.7-106. CONTROL OF ELECTRONIC DOCUMENT OF TITLE.** — (a) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(b) A system satisfies subsection (a), and a person is deemed to have control of an electronic document of title, if the document is created, stored, and assigned in such a manner that:

(1) a single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) the authoritative copy identifies the person asserting control as:

(A) the person to which the document was issued; or

(B) if the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(3) the authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

**400.7-201. WHO MAY ISSUE A WAREHOUSE RECEIPT — STORAGE UNDER GOVERNMENT BOND.** — ~~[(1)]~~ (a) A warehouse receipt may be issued by any ~~[warehouseman]~~ warehouse.

~~[(2) Where]~~ (b) If goods, including distilled spirits and agricultural commodities, are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods ~~[has like effect as]~~ is deemed to be a warehouse receipt even ~~[though]~~ if issued by a person ~~[who]~~ that is the owner of the goods and is not a ~~[warehouseman]~~ warehouse.

**400.7-202. FORM OF WAREHOUSE RECEIPT — ESSENTIAL TERMS — OPTIONAL TERMS.** — ~~[(1)]~~ (a) A warehouse receipt need not be in any particular form.

~~[(2)]~~ (b) Unless a warehouse receipt ~~[embodies within its written or printed terms]~~ provides for each of the following, the ~~[warehouseman]~~ warehouse is liable for damages caused ~~[by the omission]~~ to a person injured ~~[thereby]~~ by its omission:

~~[(a)]~~ (1) a statement of the location of the warehouse facility where the goods are stored;

~~[(b)]~~ (2) the date of issue of the receipt;

~~[(c)]~~ (3) the ~~[consecutive number]~~ unique identification code of the receipt;

~~[(d)]~~ (4) a statement whether the goods received will be delivered to the bearer, to a ~~[specified]~~ named person, or to a ~~[specified]~~ named person or ~~[his]~~ its order;



~~[(e)]~~ (5) the rate of storage and handling charges, ~~[except that where]~~ **unless** goods are stored under a field warehousing arrangement, **in which case** a statement of that fact is sufficient on a nonnegotiable receipt;

~~[(f)]~~ (6) a description of the goods or ~~[of]~~ the packages containing them;

~~[(g)]~~ (7) the signature of the ~~[warehouseman, which may be made by his authorized]~~ **warehouse or its agent**;

~~[(h)]~~ (8) if the receipt is issued for goods ~~[of which the warehouseman is owner]~~ **that the warehouse owns**, either solely ~~[or]~~, jointly, or in common with others, **a statement of the fact of ~~[such] that~~ ownership**; and

~~[(i)]~~ (9) a statement of the amount of advances made and of liabilities incurred for which the ~~[warehouseman]~~ **warehouse** claims a lien or security interest ~~[(section 400.7-209). If]~~, **unless** the precise amount of ~~[such]~~ advances made or ~~[of such]~~ liabilities incurred ~~[is]~~, at the time of the issue of the receipt, **is unknown to the ~~[warehouseman]~~ warehouse or to ~~[his] its~~ agent ~~[who issues it] that issued the receipt, in which case~~ a statement of the fact that advances have been made or liabilities incurred and the purpose ~~[thereof] of the advances or liabilities~~ is sufficient.**

~~[(3)]~~ (c) A ~~[warehouseman]~~ **warehouse** may insert in ~~[his] its~~ receipt any ~~[other]~~ terms ~~[which] that~~ are not contrary to ~~[the provisions of]~~ this chapter and do not impair ~~[his] its~~ obligation of delivery ~~[under section 400.7-403)]~~ or ~~[his] its~~ duty of care ~~[under section 400.7-204)]~~. Any contrary ~~[provisions shall be]~~ **provision is ineffective.**

**400.7-203. LIABILITY FOR NONRECEIPT OR MISDESCRIPTION.** — A party to or purchaser for value in good faith of a document of title, other than a bill of lading ~~[relying in either case]~~, **that relies** upon the description ~~[therein]~~ of the goods **in the document** may recover from the issuer damages caused by the nonreceipt or misdescription of the goods, except to the extent that:

(1) the document conspicuously indicates that the issuer does not know whether ~~[any part or]~~ all **or part** of the goods in fact were received or conform to the description, **such as ~~[where] a case in which~~** the description is in terms of marks or labels or kind, quantity, or condition, or the receipt or description is qualified by "contents, condition, and quality unknown", "said to contain", or ~~[the like]~~ **words of similar import**, if ~~[such] the~~ indication ~~[be] is true~~; or

(2) the party or purchaser otherwise has notice **of the nonreceipt or misdescription.**

**400.7-204. DUTY OF CARE — CONTRACTUAL LIMITATION OF WAREHOUSEMAN'S LIABILITY.** — ~~[(1)]~~ (a) A ~~[warehouseman]~~ **warehouse** is liable for damages for loss of or injury to the goods caused by ~~[his] its~~ failure to exercise ~~[such] care [in] with~~ regard to ~~[them as] the goods that~~ a reasonably careful ~~[man] person~~ would exercise under ~~[like] similar~~ circumstances ~~[but]~~. Unless otherwise agreed ~~[he]~~, **the warehouse** is not liable for damages ~~[which] that~~ could not have been avoided by the exercise of ~~[such] that~~ care.

~~[(2)]~~ (b) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage; ~~and setting forth a specific liability per article or item, or value per unit of weight,~~ beyond which the ~~[warehouseman shall] warehouse~~ is not ~~[be] liable~~; ~~provided, however, that such liability may~~. **Such a limitation is not effective with respect to the warehouse's liability for conversion to its own use.** On ~~[written] request~~ of the bailor **in a record** at the time of signing ~~[such] the~~ storage agreement or within a reasonable time after receipt of the warehouse receipt, **the warehouse's liability may be increased on part or all of the goods ~~[thereunder,] covered by the storage agreement or the warehouse receipt.~~** In ~~[which] this~~ event, increased rates may be charged based on ~~[such] an~~ increased valuation ~~[but that no such increase shall be permitted contrary to a lawful limitation of liability contained in the warehouseman's tariff, if any. No such limitation is effective with respect to the warehouseman's liability for conversion to his own use]~~ **of the goods.**

~~[(3)]~~ (c) Reasonable provisions as to the time and manner of presenting claims and ~~[instituting]~~ **commencing** actions based on the bailment may be included in the warehouse receipt or ~~[tariff]~~ **storage agreement**.

~~[(4)]~~ (d) This section does not ~~[impair]~~ **modify** or repeal any existing statute of this state ~~[which]~~ **that** imposes a higher responsibility upon the ~~[warehouseman]~~ **warehouse** or invalidates a contractual ~~[limitations which]~~ **limitation that** would be permissible under this article.

**400.7-205. TITLE UNDER WAREHOUSE RECEIPT DEFEATED IN CERTAIN CASES.** — A buyer in ~~[the]~~ ordinary course of business of fungible goods sold and delivered by a ~~[warehouseman who]~~ **warehouse that** is also in the business of buying and selling such goods takes **the goods** free of any claim under a warehouse receipt even ~~[though it]~~ **if the receipt is negotiable and** has been duly negotiated.

**400.7-206. TERMINATION OF STORAGE AT WAREHOUSEMAN'S OPTION.** — ~~[(1)]~~ (a) A ~~[warehouseman may on notifying]~~ **warehouse, by giving notice to** the person on whose account the goods are held and any other person known to claim an interest in the goods, **may** require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document~~[,] of title or, if [no] a period is not fixed, within a stated period not less than thirty days after the [notification]~~ **warehouse gives notice**. If the goods are not removed before the date specified in the ~~[notification]~~ **notice**, the ~~[warehouseman]~~ **warehouse** may sell them ~~[in accordance with the provisions of the section on enforcement of a warehouseman's lien (]~~ **pursuant to** section 400.7-210~~)]~~.

~~[(2)]~~ (b) If a ~~[warehouseman]~~ **warehouse** in good faith believes that ~~[the]~~ goods are about to deteriorate or decline in value to less than the amount of ~~[his]~~ **its** lien within the time ~~[prescribed]~~ **provided** in subsection ~~[(1) for notification, advertisement and sale]~~ (a) **of this section and section 400.7-210**, the ~~[warehouseman]~~ **warehouse** may specify in the ~~[notification]~~ **notice given under subsection (a) of this section** any reasonable shorter time for removal of the goods and ~~[in case]~~, **if** the goods are not removed, may sell them at public sale held not less than one week after a single advertisement or posting.

~~[(3)]~~ (c) If, as a result of a quality or condition of the goods of which the ~~[warehouseman had no]~~ **warehouse did not have** notice at the time of deposit, the goods are a hazard to other property, ~~[or to]~~ the warehouse **facilities**, or ~~[to]~~ other persons, the ~~[warehouseman]~~ **warehouse** may sell the goods at public or private sale without advertisement **or posting** on reasonable notification to all persons known to claim an interest in the goods. If the ~~[warehouseman]~~ **warehouse**, after a reasonable effort, is unable to sell the goods ~~[he]~~, **it** may dispose of them in any lawful manner and ~~[shall]~~ **does not** incur ~~[no]~~ liability by reason of ~~[such]~~ **that** disposition.

~~[(4) The warehouseman must]~~ (d) A **warehouse shall** deliver the goods to any person entitled to them under this article upon due demand made at any time ~~[prior to]~~ **before** sale or other disposition under this section.

~~[(5) The warehouseman]~~ (e) A **warehouse** may satisfy ~~[his]~~ **its** lien from the proceeds of any sale or disposition under this section but ~~[must]~~ **shall** hold the balance for delivery on the demand of any person to ~~[whom he]~~ **which the warehouse** would have been bound to deliver the goods.

**400.7-207. GOODS MUST BE KEPT SEPARATE — FUNGIBLE GOODS.** — ~~[(1)]~~ (a) Unless the warehouse receipt ~~[otherwise]~~ provides **otherwise**, a ~~[warehouseman must]~~ **warehouse shall** keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods ~~[except that]~~. **However**, different lots of fungible goods may be commingled.

~~[(2)]~~ (b) **If different lots of fungible goods [se] are commingled, the goods** are owned in common by the persons entitled thereto and the ~~[warehouseman]~~ **warehouse** is severally liable

to each owner for that owner's share. ~~Where~~ **If**, because of overissue, a mass of fungible goods is insufficient to meet all the receipts ~~which~~ the ~~warehouseman~~ **warehouse** has issued against it, the persons entitled include all holders to ~~whom~~ **which** overissued receipts have been duly negotiated.

**400.7-208. ALTERED WAREHOUSE RECEIPTS.** — ~~Where~~ **If** a blank in a negotiable **tangible** warehouse receipt has been filled in without authority, a **good-faith** purchaser for value and without notice of the ~~want~~ **lack** of authority may treat the insertion as authorized. Any other unauthorized alteration leaves any **tangible or electronic warehouse** receipt enforceable against the issuer according to its original tenor.

**400.7-209. LIEN OF WAREHOUSEMAN.** — ~~(+)~~ **(a)** A ~~warehouseman~~ **warehouse** has a lien against the bailor on the goods covered by a warehouse receipt or **storage agreement** or on the proceeds thereof in ~~his~~ **its** possession for charges for storage or transportation ~~[, including demurrage and terminal charges]~~, insurance, labor, or **other** charges, present or future, in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for ~~like~~ **similar** charges or expenses in relation to other goods whenever deposited and it is stated in the **warehouse receipt or storage agreement** that a lien is claimed for charges and expenses in relation to other goods, the ~~warehouseman~~ **warehouse** also has a lien against ~~him~~ **the goods covered by the warehouse receipt or storage agreement or on the proceeds thereof in its possession** for ~~such~~ **those** charges and expenses, whether or not the other goods have been delivered by the ~~warehouseman~~ **warehouse**. ~~But~~ **However**, as against a person to ~~whom~~ **which** a negotiable warehouse receipt is duly negotiated, a ~~warehouseman's~~ **warehouse's** lien is limited to charges in an amount or at a rate specified ~~on~~ **in** the **warehouse** receipt or, if no charges are so specified ~~then~~, to a reasonable charge for storage of the **specific** goods covered by the receipt subsequent to the date of the receipt.

~~(2) The warehouseman~~ **(b)** A **warehouse** may also reserve a security interest against the bailor for ~~a~~ **the** maximum amount specified on the receipt for charges other than those specified in subsection ~~(+)~~ **(a)**, such as for money advanced and interest. ~~Such a~~ **The** security interest is governed by ~~the article on secured transactions (article 9)]~~.

~~(3)~~ **(c)** A ~~warehouseman's~~ **warehouse's** lien for charges and expenses under subsection ~~(+)~~ **(a)** or a security interest under subsection ~~(2)~~ **(b)** is also effective against any person ~~who~~ **that** so entrusted the bailor with possession of the goods that a pledge of them by ~~him~~ **the bailor** to a good-faith purchaser for value would have been valid ~~but~~. **However, the lien or security interest** is not effective against a person ~~as to whom the document confers no right in the goods covered by it under section 400.7-503~~ **that before issuance of a document of title had a legal interest or a perfected security interest in the goods and that did not:**

**(1) deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor's nominee with:**

- (A) actual or apparent authority to ship, store, or sell;**
- (B) power to obtain delivery under section 400.7-403; or**
- (C) power of disposition under sections 400.2-403, 400.2A-304(2), 400.2A-305(2), 400.9-320, or 400.9-321(c) or other statute or rule of law; or**

**(2) acquiesce in the procurement by the bailor or its nominee of any document.**

~~(4)~~ **(d)** A warehouse's lien on household goods for charges and expenses in relation to the goods under subsection (a) is also effective against all persons if the depositor was the legal possessor of the goods at the time of deposit. In this subsection, "household goods" means furniture, furnishings, or personal effects used by the depositor in a dwelling.

**(e)** A ~~warehouseman~~ **warehouse** loses ~~his~~ **its** lien on any goods ~~which he~~ **that** it voluntarily delivers or ~~which he~~ unjustifiably refuses to deliver.

**400.7-210. ENFORCEMENT OF WAREHOUSEMAN'S LIEN.** — ~~[(1)]~~ **(a)** Except as otherwise provided in subsection ~~[(2)]~~ **(b)**, a ~~[warehouseman's]~~ **warehouse's** lien may be enforced by public or private sale of the goods, in ~~[bulk]~~ **bulk** or in ~~[packages]~~ **packages**, at any time or place and on any terms ~~[which]~~ **that** are commercially reasonable, after notifying all persons known to claim an interest in the goods. ~~[Such]~~ **The** notification ~~[must]~~ **shall** include a statement of the amount due, the nature of the proposed sale, and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a ~~[different]~~ **different** from that selected by the ~~[warehouseman]~~ **warehouse** is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. **The warehouse sells in a commercially reasonable manner** if the ~~[warehouseman either]~~ **warehouse** sells the goods in the usual manner in any recognized market ~~[therefor]~~ **therefore**, ~~[or if he]~~ **sells** at the price current in ~~[such]~~ **that** market at the time of ~~[his]~~ **the** sale, or ~~[if he has]~~ **otherwise [sold]** **sells** in conformity with commercially reasonable practices among dealers in the type of goods sold, ~~[he has sold in a commercially reasonable manner]~~. A sale of more goods than apparently necessary to be offered to ~~[insure]~~ **ensure** satisfaction of the obligation is not commercially reasonable, except in cases covered by the preceding sentence.

~~[(2)]~~ **(b)** A ~~[warehouseman's]~~ **warehouse may enforce its** lien on goods, other than goods stored by a merchant in the course of ~~[his]~~ **its** business ~~[may be enforced only as follows]~~, **only if the following requirements are satisfied:**

~~[(a)]~~ **(1)** All persons known to claim an interest in the goods ~~[must]~~ **shall** be notified.

~~[(b)]~~ **The notification must be delivered in person or sent by registered or certified letter to the last known address of any person to be notified:**

~~[(e)]~~ **(2)** The notification ~~[must]~~ **shall** include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than ten days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place.

~~[(d)]~~ **(3)** The sale ~~[must]~~ **shall** conform to the terms of the notification.

~~[(e)]~~ **(4)** The sale ~~[must]~~ **shall** be held at the nearest suitable place to ~~[that]~~ where the goods are held or stored.

~~[(f)]~~ **(5)** After the expiration of the time given in the notification, an advertisement of the sale ~~[must]~~ **shall** be published once a week for two weeks consecutively in a newspaper of general circulation where the sale is to be held. The advertisement ~~[must]~~ **shall** include a description of the goods, the name of the person on whose account ~~[they]~~ **the goods** are being held, and the time and place of the sale. The sale ~~[must]~~ **shall** take place at least fifteen days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement ~~[must]~~ **shall** be posted at least ten days before the sale in not ~~[less]~~ **fewer** than six conspicuous places in the neighborhood of the proposed sale.

~~[(3)]~~ **(c)** Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred ~~[under]~~ **in complying with** this section. In that event, the goods ~~[must]~~ **may** not be sold, but ~~[must]~~ **shall** be retained by the ~~[warehouseman]~~ **warehouse** subject to the terms of the receipt and this article.

~~[(4)]~~ **The warehouseman (d)** A **warehouse** may buy at any public sale **held** pursuant to this section.

~~[(5)]~~ **(e)** A purchaser in good faith of goods sold to enforce a ~~[warehouseman's]~~ **warehouse's** lien takes the goods free of any rights of persons against ~~[whom]~~ **which** the lien was valid, despite **the warehouse's** noncompliance ~~[by the warehouseman]~~ with ~~[the requirements of]~~ this section.

~~[(6)]~~ **The warehouseman (f)** A **warehouse** may satisfy ~~[his]~~ **its** lien from the proceeds of any sale pursuant to this section but ~~[must]~~ **shall** hold the balance, if any, for delivery on demand to any person to ~~[whom he]~~ **which the warehouse** would have been bound to deliver the goods.

~~[(7)]~~ (g) The rights provided by this section ~~[shall be]~~ **are** in addition to all other rights allowed by law to a creditor against ~~[his]~~ **a debtor.**

~~[(8) Where]~~ (h) **If** a lien is on goods stored by a merchant in the course of ~~[his]~~ **its** business, the lien may be enforced in accordance with ~~[either]~~ subsection ~~[(1)]~~ (a) or ~~[(2)]~~ (b).

~~[(9) The warehouseman]~~ (i) **A warehouse** is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

**400.7-301. LIABILITY FOR NONRECEIPT OR MISDESCRIPTION — "SAID TO CONTAIN" — "SHIPPER'S LOAD AND COUNT" — IMPROPER HANDLING.** — ~~[(1)]~~ (a) A consignee of a nonnegotiable bill ~~[who]~~ **of lading which** has given value in good faith, or a holder to ~~[whom]~~ **which** a negotiable bill has been duly negotiated, relying ~~[in either case]~~ upon the description ~~[therein]~~ of the goods~~;~~ **in the bill** or upon the date ~~[therein]~~ shown **in the bill**, may recover from the issuer damages caused by the misdating of the bill or the nonreceipt or misdescription of the goods, except to the extent that the ~~[document]~~ **bill** indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, **such as** ~~[where]~~ **in a case in which** the description is in terms of marks or labels or kind, quantity, or condition or the receipt or description is qualified by "contents or condition of contents of packages unknown", "said to contain", "shipper's weight, load, and count", or ~~[the like]~~ **words of similar import**, if ~~[such]~~ **that** indication ~~[be]~~ **is true.**

~~[(2) When]~~ (b) **If** goods are loaded by ~~[an]~~ **the issuer** ~~[who is a common carrier,]~~ **of a bill of lading;**

(1) the issuer ~~[must]~~ **shall** count the packages of goods if ~~[package freight]~~ **shipped in packages** and ascertain the kind and quantity if **shipped in** bulk ~~[freight. In such cases]~~ **;** and

(2) **words such as** "shipper's weight, load, and count" or ~~[other]~~ **words of similar import** indicating that the description was made by the shipper are ineffective except as to ~~[freight]~~ **goods concealed [by] in packages.**

~~[(3) When]~~ (c) **If** bulk ~~[freight is]~~ **goods are** loaded by a shipper ~~[who]~~ **that** makes available to the issuer **of a bill of lading** adequate facilities for weighing ~~[such freight, an]~~ **those goods, the issuer** ~~[who is a common carrier must]~~ **shall** ascertain the kind and quantity within a reasonable time after receiving the ~~[written]~~ **shipper's request** ~~[of the shipper]~~ **in a record** to do so. In ~~[such cases]~~ **that case,** "shipper's weight" or ~~[other]~~ **words of [like purpose] similar import** are ineffective.

~~[(4)]~~ (d) The issuer ~~[may]~~ **of a bill of lading,** by ~~[inserting]~~ **including** in the bill the words "shipper's weight, load, and count" or ~~[other]~~ **words of [like purpose] similar import, may** indicate that the goods were loaded by the shipper~~;~~, and, if ~~[such]~~ **that** statement ~~[be]~~ **is true,** the issuer ~~[shall]~~ **is not [be] liable** for damages caused by the improper loading. ~~[But their]~~ **However,** omission **of such words** does not imply liability for ~~[such]~~ **damages caused by improper loading.**

~~[(5) The]~~ (e) A shipper ~~[shall be deemed to have guaranteed]~~ **guarantees** to ~~[the]~~ **an issuer** the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition, and weight, as furnished by ~~[him,]~~ **the shipper,** and the shipper shall indemnify the issuer against damage caused by inaccuracies in ~~[such]~~ **those particulars.** ~~[The]~~ **This right of [the issuer to such]** indemnity ~~[shall in no way]~~ **does not limit [his] the issuer's** responsibility ~~[and]~~ **or liability** under the contract of carriage to any person other than the shipper.

**400.7-302. THROUGH BILLS OF LADING AND SIMILAR DOCUMENTS.** — ~~[(1)]~~ (a) The issuer of a through bill of lading, or other document **of title** embodying an undertaking to be performed in part by ~~[persons]~~ **a person** acting as its ~~[agents]~~ **agent** or by ~~[connecting carriers]~~ **a performing carrier,** is liable to ~~[anyone]~~ **any person** entitled to recover on the **bill or other** document for any breach by ~~[such]~~ **the other [persons] person** or ~~[by a connecting]~~ **the**

**performing** carrier of its obligation under the ~~[document but]~~ **bill or other document**. **However**, to the extent that the **bill or other document** covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking including matters other than transportation, this liability **for breach by the other person or the performing carrier** may be varied by agreement of the parties.

~~[(2) Where]~~ **(b)** If goods covered by a through bill of lading or other document of title embodying an undertaking to be performed in part by ~~[persons]~~ **a person** other than the issuer are received by ~~[any such]~~ **that person**, ~~[he]~~ **the person** is subject, with respect to ~~[his]~~ **its** own performance while the goods are in ~~[his]~~ **its** possession, to the obligation of the issuer. ~~[His]~~ **The person's** obligation is discharged by delivery of the goods to another ~~[such]~~ **person** pursuant to the **bill or other** document~~[-]~~ and does not include liability for breach by any other ~~[such persons]~~ **person** or by the issuer.

~~[(3) (c)]~~ **(c)** The issuer of ~~[such]~~ **a** through bill of lading or other document ~~[shall be]~~ **of title described in subsection (a)** is entitled to recover from the ~~[connecting]~~ **performing** carrier, or ~~[such]~~ **other person** in possession of the goods when the breach of the obligation under the **bill or other** document occurred~~[-]~~:

**(1)** the amount it may be required to pay to ~~[anyone]~~ **any person** entitled to recover on the **bill or other** document ~~[therefor]~~ **for the breach**, as may be evidenced by any receipt, judgment, or transcript ~~[thereof]~~ **of judgment**; and

**(2)** the amount of any expense reasonably incurred by ~~[it]~~ **the issuer** in defending any action ~~[brought]~~ **commenced** by ~~[anyone]~~ **any person** entitled to recover on the **bill or other** document ~~[therefor]~~ **for the breach**.

**400.7-303. DIVERSION — RECONSIGNMENT — CHANGE OF INSTRUCTIONS.** — ~~[(+)]~~ **(a)** Unless the bill of lading otherwise provides, ~~[the]~~ **a** carrier may deliver the goods to a person or destination other than that stated in the bill or may otherwise dispose of the goods, **without liability for misdelivery**, on instructions from:

~~[(a)]~~ **(1)** the holder of a negotiable bill; ~~[or]~~

~~[(b)]~~ **(2)** the consignor on a nonnegotiable bill ~~[notwithstanding]~~ **, even if the consignee has given** contrary instructions ~~[from the consignee]~~; ~~[or]~~

~~[(c)]~~ **(3)** the consignee on a nonnegotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the **tangible bill or in control of the electronic bill**; or

~~[(d)]~~ **(4)** the consignee on a nonnegotiable bill, if ~~[he]~~ **the consignee** is entitled as against the consignor to dispose of ~~[them]~~ **the goods**.

~~[(2)]~~ **(b)** Unless ~~[such]~~ instructions **described in subsection (a)** are ~~[noted on]~~ **included** in a negotiable bill of lading, a person to ~~[whom]~~ **which** the bill is duly negotiated ~~[can]~~ **may** hold the bailee according to the original terms.

**400.7-304. BILLS OF LADING IN A SET.** — ~~[(+)]~~ **(a)** Except ~~[where]~~ **as** customary in ~~[overseas]~~ **international** transportation, a **tangible** bill of lading ~~[must]~~ **may** not be issued in a set of parts. The issuer is liable for damages caused by violation of this subsection.

~~[(2) Where]~~ **(b)** If a **tangible** bill of lading is lawfully ~~[drawn]~~ **issued** in a set of parts, each of which ~~[is numbered]~~ **contains an identification code** and is expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts ~~[constitute]~~ **constitutes** one bill.

~~[(3) Where]~~ **(c)** If a **tangible negotiable** bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to ~~[whom]~~ **which** the first due negotiation is made prevails as to both the document **of title** and the goods even ~~[though]~~ **if** any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by ~~[surrender of his]~~ **surrendering its** part.

~~[(4) Any]~~ (d) A person ~~[who]~~ **that** negotiates or transfers a single part of a **tangible** bill of lading ~~[drawn]~~ **issued** in a set is liable to holders of that part as if it were the whole set.

~~[(5)]~~ (e) The bailee ~~[is obliged to]~~ **shall** deliver in accordance with part 4 of this article against the first presented part of a **tangible** bill of lading lawfully ~~[drawn]~~ **issued** in a set. ~~[Such]~~ Delivery **in this manner** discharges the bailee's obligation on the whole bill.

**400.7-305. DESTINATION BILLS.** — ~~[(1)]~~ (a) Instead of issuing a bill of lading to the consignor at the place of shipment, a carrier ~~[may]~~, at the request of the consignor, **may** procure the bill to be issued at destination or at any other place designated in the request.

~~[(2)]~~ (b) Upon request of ~~[anyone]~~ **any person** entitled as against ~~[the]~~ a carrier to control the goods while in transit and on surrender of **possession or control of** any outstanding bill of lading or other receipt covering ~~[such]~~ **the** goods, the issuer, **subject to section 400.7-105**, may procure a substitute bill to be issued at any place designated in the request.

**400.7-307. LIEN OF CARRIER.** — ~~[(1)]~~ (a) A carrier has a lien on the goods covered by a bill of lading **or on the proceeds thereof in its possession** for charges ~~[subsequent to]~~ **after** the date of ~~[its]~~ **the carrier's** receipt of the goods for storage or transportation ~~[, including demurrage and terminal charges]~~, and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. ~~[But]~~ **However**, against a purchaser for value of a negotiable bill of lading, a carrier's lien is limited to charges stated in the bill or the applicable tariffs~~[,]~~ or, if no charges are stated ~~[then to]~~, a reasonable charge.

~~[(2)]~~ (b) A lien for charges and expenses under subsection ~~[(1)]~~ (a) on goods ~~[which]~~ **that** the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that the consignor lacked authority to subject the goods to ~~[such]~~ **those** charges and expenses. Any other lien under subsection ~~[(1)]~~ (a) is effective against the consignor and any person ~~[who]~~ **that** permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked ~~[such]~~ authority.

~~[(3)]~~ (c) A carrier loses ~~[his]~~ **its** lien on any goods ~~[which he]~~ **that it** voluntarily delivers or ~~[which he]~~ unjustifiably refuses to deliver.

**400.7-308. ENFORCEMENT OF CARRIER'S LIEN.** — ~~[(1)]~~ (a) A carrier's lien **on goods** may be enforced by public or private sale of the goods, in ~~[bulk]~~ **bulk** or in ~~[packages]~~ **packages**, at any time or place and on any terms ~~[which]~~ **that** are commercially reasonable, after notifying all persons known to claim an interest in the goods. ~~[Such]~~ **The** notification ~~[must]~~ **shall** include a statement of the amount due, the nature of the proposed sale, and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a ~~[different]~~ **different** method **different** from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. ~~[If]~~ **The** carrier ~~[either]~~ **sells goods in a commercially reasonable manner if the carrier** sells the goods in the usual manner in any recognized market ~~[therefor or if he]~~ **therefore**, sells at the price current in ~~[such]~~ **that** market at the time of ~~[his]~~ **the** sale, or ~~[if he has]~~ otherwise ~~[sold]~~ **sells** in conformity with commercially reasonable practices among dealers in the type of goods sold ~~[he has sold in a commercially reasonable manner]~~. A sale of more goods than apparently necessary to be offered to ~~[insure]~~ **ensure** satisfaction of the obligation is not commercially reasonable, except in cases covered by the preceding sentence.

~~[(2)]~~ (b) Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred ~~[under]~~ **in complying with** this section. In that event, the goods ~~[must]~~ **shall** not be sold~~[,]~~ but ~~[must]~~ **shall** be retained by the carrier, subject to the terms of the bill **of lading** and this article.

~~[(3) The]~~ (c) A carrier may buy at any public sale pursuant to this section.

~~[(4) (d)]~~ (d) A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against ~~[whom]~~ **which** the lien was valid, despite **the carrier's** noncompliance ~~[by the carrier]~~ with ~~[the requirements of]~~ this section.

~~[(5) The]~~ (e) A carrier may satisfy ~~[his]~~ **its** lien from the proceeds of any sale pursuant to this section but ~~[must]~~ **shall** hold the balance, if any, for delivery on demand to any person to ~~[whom he]~~ **which the carrier** would have been bound to deliver the goods.

~~[(6) (f)]~~ (f) The rights provided by this section ~~[shall be]~~ **are** in addition to all other rights allowed by law to a creditor against ~~[his]~~ **a** debtor.

~~[(7) (g)]~~ (g) A carrier's lien may be enforced ~~[in accordance with]~~ **pursuant to** either subsection ~~[(4) (a)]~~ (a) or the procedure set forth in ~~[subsection (2) of]~~ section ~~[400.7-210]~~ **400.7-210(b)**.

~~[(8) The]~~ (h) A carrier is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

**400.7-309. DUTY OF CARE — CONTRACTUAL LIMITATION OF CARRIER'S LIABILITY. —**

~~[(4) (a)]~~ (a) A carrier ~~[who]~~ **that** issues a bill of lading, whether negotiable or nonnegotiable ~~[must]~~, **shall** exercise the degree of care in relation to the goods which a reasonably careful ~~[man]~~ **person** would exercise under ~~[like]~~ **similar** circumstances. This subsection does not ~~[repeat or change]~~ **affect** any ~~[law]~~ **statute, regulation,** or rule of law ~~[which]~~ **that** imposes liability upon a common carrier for damages not caused by its negligence.

~~[(2) (b)]~~ (b) Damages may be limited by a ~~[provision]~~ **term in the bill of lading or in a transportation agreement** that the carrier's liability ~~[shall]~~ **may** not exceed a value stated in the ~~[document]~~ **bill or transportation agreement** if the carrier's rates are dependent upon value and the consignor ~~[by the carrier's tariff]~~ is afforded an opportunity to declare a higher value ~~[or a value as lawfully provided in the tariff, or where no tariff is filed he]~~ **and the consignor** is ~~[otherwise]~~ advised of ~~[such]~~ **the opportunity**; ~~[but no]~~ . **However,** such a limitation is **not** effective with respect to the carrier's liability for conversion to its own use.

~~[(3) (c)]~~ (c) Reasonable provisions as to the time and manner of presenting claims and ~~[instituting]~~ **commencing** actions based on the shipment may be included in a bill of lading or ~~[tariff]~~ **a transportation agreement**.

**400.7-401. IRREGULARITIES IN ISSUE OF RECEIPT OR BILL OR CONDUCT OF ISSUER. —**

The obligations imposed by this article on an issuer apply to a document of title ~~[regardless of the fact that]~~

~~—(a)]~~ **even if:**

(1) the document ~~[may]~~ **does** not comply with the requirements of this article or of any other ~~[law]~~ **statute, rule,** or regulation regarding its ~~[issue]~~ **issuance,** form, or content; ~~[or]~~

~~—(b)]~~ (2) the issuer ~~[may have]~~ violated laws regulating the conduct of ~~[his]~~ **its** business; ~~[or]~~

~~—(c)]~~ (3) the goods covered by the document were owned by the bailee ~~[at the time]~~ **when** the document was issued; or

~~[(d)]~~ (4) the person issuing the document ~~[does]~~ **is** not ~~[come within the definition of warehouseman]~~ **a warehouse** ~~[if it]~~ **but the document** purports to be a warehouse receipt.

**400.7-402. DUPLICATE RECEIPT OR BILL — OVERISSUE. —** ~~[Neither]~~ A duplicate ~~[nor]~~

**or** any other document of title purporting to cover goods already represented by an outstanding document of the same issuer ~~[confers]~~ **does not confer** any right in the goods, except as provided in the case of **tangible bills of lading** in a set of **parts,** overissue of documents for fungible goods ~~[and],~~ substitutes for lost, stolen, or destroyed documents, **or substitute documents issued pursuant to section 400.7-105.** ~~[But]~~ The issuer is liable for damages caused by ~~[his]~~ **its** overissue or failure to identify a duplicate document ~~[as such]~~ by a conspicuous notation ~~[on its face]~~.



**400.7-403. OBLIGATION OF WAREHOUSEMAN OR CARRIER TO DELIVER — EXCUSE.** —  
~~[(4) The]~~ **(a)** A bailee ~~[must]~~ **shall** deliver the goods to a person entitled under ~~[the]~~ a document ~~[who]~~ **of title if the person** complies with subsections ~~[(2)]~~ **(b)** and ~~[(3)]~~ **(c) of this section**, unless and to the extent that the bailee establishes any of the following:

~~[(a)]~~ **(1)** delivery of the goods to a person whose receipt was rightful as against the claimant;

~~[(b)]~~ **(2)** damage to or delay, loss, or destruction of the goods for which the bailee is not liable;

~~[(c)]~~ **(3)** previous sale or other disposition of the goods in lawful enforcement of a lien or on ~~[warehouseman's]~~ **a warehouse's** lawful termination of storage;

~~[(d)]~~ **(4)** the exercise by a seller of ~~[his]~~ **its** right to stop delivery pursuant to ~~[the provisions of the article on sales (] section 400.2-705 ]]~~ **or by a lessor of its right to stop delivery pursuant to section 400.2A-526;**

~~[(e)]~~ **(5)** a diversion, reconignment, or other disposition pursuant to ~~[the provisions of this article (] section 400.7-303 ]]~~ **or tariff regulating such right;**

~~[(f)]~~ **(6)** release, satisfaction, or any other ~~[fact affording a]~~ personal defense against the claimant; **or**

~~[(g)]~~ **(7)** any other lawful excuse.

~~[(2)]~~ **(b)** A person claiming goods covered by a document of title ~~[must]~~ **shall** satisfy the bailee's lien ~~[where]~~ **if** the bailee so requests or ~~[where]~~ **if** the bailee is prohibited by law from delivering the goods until the charges are paid.

~~[(3)]~~ **(c)** Unless ~~[the]~~ a person claiming **the goods** is ~~[one]~~ **a person** against ~~[whom]~~ **which** the document ~~[confers no]~~ **of title does not confer a right under subsection (a) of section [400.7-503(1), he must] 400.7-503:**

**(1) the person claiming under a document shall** surrender ~~[for cancellation or notation]~~ **possession or control** of ~~[partial deliveries]~~ any outstanding negotiable document covering the goods~~]; for cancellation or indication of partial deliveries;~~ and

**(2) the bailee [must] shall** cancel the document or conspicuously ~~[note]~~ **indicate in the document** the partial delivery ~~[thereon]~~ or ~~[be]~~ **the bailee is** liable to any person to ~~[whom]~~ **which** the document is duly negotiated.

~~[(4) "Person entitled under the document" means holder in the case of a negotiable document, or the person to whom delivery is to be made by the terms of or pursuant to written instructions under a nonnegotiable document.]~~

**400.7-404. NO LIABILITY FOR GOOD FAITH DELIVERY PURSUANT TO RECEIPT OR BILL.** — A bailee ~~[who]~~ **that** in good faith ~~[including observance of reasonable commercial standards]~~ has received goods and delivered or otherwise disposed of ~~[them]~~ **the goods** according to the terms of ~~[the]~~ a document of title or pursuant to this article is not liable ~~[therefor. This rule applies]~~ **for the goods** even ~~[though]~~ **if:**

**(1) the person from [whom he] which the bailee** received the goods ~~[had no]~~ **did not have** authority to procure the document or to dispose of the goods ~~[and even though]~~ ; **or**

**(2) the person to [whom he] which the bailee** delivered the goods ~~[had no]~~ **did not have** authority to receive ~~[them]~~ **the goods.**

**400.7-501. FORM OF NEGOTIATION AND REQUIREMENTS OF "DUE NEGOTIATION".** — ~~[(4)]~~ **(a) The following rules apply to** a negotiable **tangible** document of title ~~[running]:~~

**(1) If the document's original terms run** to the order of a named person, **the document** is negotiated by ~~[his endorsement]~~ **the named person's indorsement** and delivery. After ~~[his endorsement]~~ **the named person's indorsement** in blank or to bearer, any person ~~[can]~~ **may** negotiate ~~[it]~~ **the document** by delivery alone.

**(2) [(a) A negotiable document of title] If the document's original terms run to bearer,** it is ~~[also]~~ negotiated by delivery alone ~~[when by its original terms it runs to bearer].~~

~~[(b) When a document running]~~ (3) **If the document's original terms run** to the order of a named person **and it** is delivered to ~~[him]~~ **the named person**, the effect is the same as if the document had been negotiated.

~~[(3)]~~ (4) Negotiation of ~~[a negotiable]~~ **the document** ~~[of title]~~ after it has been ~~[endorsed]~~ **indorsed** to a ~~[specified]~~ **named person** requires ~~[endorsement]~~ **indorsement** by the ~~[special endorsee as well as]~~ **named person and** delivery.

~~[(4)]~~ (5) A ~~[negotiable]~~ document ~~[of title]~~ is ~~["]~~duly negotiated~~["when]~~ **if it is negotiated** in the manner stated in this ~~[section]~~ **subsection** to a holder ~~[who]~~ **that** purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves receiving the document in settlement or payment of a ~~[money]~~ **monetary** obligation.

~~[(5) Endorsement]~~ (b) **The following rules apply to a negotiable electronic document of title:**

(1) **If the document's original terms run to the order of a named person or to bearer, the document is negotiated by delivery of the document to another person. Indorsement by the named person is not required to negotiate the document.**

(2) **If the document's original terms run to the order of a named person and the named person has control of the document, the effect is the same as if the document had been negotiated.**

(3) **A document is duly negotiated if it is negotiated in the manner stated in this subsection to a holder that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves taking delivery of the document in settlement or payment of a monetary obligation.**

(c) **Indorsement** of a nonnegotiable document **of title** neither makes it negotiable nor adds to the transferee's rights.

~~[(6)]~~ (d) The naming in a negotiable bill **of lading** of a person to be notified of the arrival of the goods does not limit the negotiability of the bill ~~[her]~~ **or** constitute notice to a purchaser ~~[thereof]~~ **of the bill** of any interest of ~~[such]~~ **that** person in the goods.

**400.7-502. RIGHTS ACQUIRED BY DUE NEGOTIATION.** — ~~[(1)]~~ (a) Subject to ~~[the following section and to the provisions of section]~~ **sections 400.7-205** ~~[on fungible goods]~~ **and 400.7-503**, a holder to ~~[whom]~~ **which** a negotiable document of title has been duly negotiated acquires thereby:

~~[(a)]~~ (1) title to the document;

~~[(b)]~~ (2) title to the goods;

~~[(c)]~~ (3) all rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and

~~[(d)]~~ (4) the direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by ~~[him]~~ **the issuer** except those arising under the terms of the document or under this article~~[-]~~, **but** in the case of a delivery order, the bailee's obligation accrues only upon **the bailee's acceptance of the delivery order** and the obligation acquired by the holder is that the issuer and any ~~[endorser]~~ **indorser** will procure the acceptance of the bailee.

~~[(2)]~~ (b) Subject to ~~[the following]~~ **section 400.7-503**, title and rights ~~[se]~~ **acquired by due negotiation** are not defeated by any stoppage of the goods represented by the document **of title** or by surrender of ~~[such]~~ **the goods** by the bailee~~[-]~~ and are not impaired even ~~[though]~~ **if:**

(1) the **due** negotiation or any prior **due** negotiation constituted a breach of duty ~~[or even though]~~;

(2) any person has been deprived of possession of ~~[the]~~ **a negotiable tangible document or control of a negotiable electronic** document by misrepresentation, fraud, accident, mistake, duress, loss, theft, or conversion~~[-]~~; or ~~[even though]~~

(3) a previous sale or other transfer of the goods or document has been made to a third person.

**400.7-503. DOCUMENT OF TITLE TO GOODS DEFEATED IN CERTAIN CASES.** — ~~[(1)]~~ (a) A document of title confers no right in goods against a person ~~[who]~~ **that** before issuance of the document had a legal interest or a perfected security interest in ~~[them]~~ **the goods** and ~~[who neither~~

~~— (a) delivered]~~ **that did not:**

(1) **deliver** or ~~[entrusted them]~~ **entrust the goods** or any document of title covering ~~[them]~~ **the goods** to the bailor or ~~[his or her]~~ **the bailor's** nominee with:

(A) actual or apparent authority to ship, store, or sell ~~[or with];~~

(B) power to obtain delivery under ~~[this article (section 400.7-403)]~~; or ~~[with]~~

(C) power of disposition under ~~[this chapter (sections)]~~ **section 400.2-403 [and], 400.2A-304(2), 400.2A-305(2), 400.9-320], or 400.9-321(c)** or other statute or rule of law; ~~[nor~~

~~— (b) acquiesced]~~ **or**

(2) **acquiesce** in the procurement by the bailor or ~~[his or her]~~ **its** nominee of any document ~~[of title].~~

~~[(2)]~~ (b) Title to goods based upon an unaccepted delivery order is subject to the rights of ~~[anyone]~~ **any person** to ~~[whom]~~ **which** a negotiable warehouse receipt or bill of lading covering the goods has been duly negotiated. ~~[Such a]~~ **That** title may be defeated under section 400.7-504 to the same extent as the rights of the issuer or a transferee from the issuer.

~~[(3)]~~ (c) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of ~~[anyone]~~ **any person** to ~~[whom]~~ **which** a bill issued by the freight forwarder is duly negotiated~~[-but]~~. **However**, delivery by the carrier in accordance with part 4 of this article pursuant to its own bill of lading discharges the carrier's obligation to deliver.

**400.7-504. RIGHTS ACQUIRED IN THE ABSENCE OF DUE NEGOTIATION — EFFECT OF DIVERSION — SELLER'S STOPPAGE OF DELIVERY.** — ~~[(1)]~~ (a) A transferee of a document of title, whether negotiable or nonnegotiable, to ~~[whom]~~ **which** the document has been delivered but not duly negotiated, acquires the title and rights ~~[which his]~~ **that its** transferor had or had actual authority to convey.

~~[(2)]~~ (b) In the case of a **transfer of a nonnegotiable document of title**, until but not after the bailee receives ~~[notification]~~ **notice** of the transfer, the rights of the transferee may be defeated:

~~[(a)]~~ (1) by those creditors of the transferor ~~[who]~~ **which** could treat the ~~[sale]~~ **transfer** as void under section 400.2-402 or **400.2A-308**; ~~[or~~

~~— (b)]~~ (2) by a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of ~~[his]~~ **the buyer's** rights;

(3) **by a lessee from the transferor in ordinary course of business if the bailee has delivered the goods to the lessee or received notification of the lessee's rights**; or

~~[(c)]~~ (4) as against the bailee, by good-faith dealings of the bailee with the transferor.

~~[(3)]~~ (c) A diversion or other change of shipping instructions by the consignor in a nonnegotiable bill of lading which causes the bailee not to deliver **the goods** to the consignee defeats the consignee's title to the goods if ~~[they]~~ **the goods** have been delivered to a buyer in ordinary course of business **or a lessee in ordinary course of business** and, in any event, defeats the consignee's rights against the bailee.

~~[(4)]~~ (d) Delivery of **the goods** pursuant to a nonnegotiable document of title may be stopped by a seller under section 400.2-705 or **a lessor under section 400.2A-526**, ~~[and]~~ subject to the ~~[requirement]~~ **requirements** of due notification ~~[there provided]~~ **in those sections**. A bailee ~~[honoring]~~ **that honors** the seller's or lessor's instructions is entitled to be indemnified by the seller **or lessor** against any resulting loss or expense.

**400.7-505. INDORSER NOT A GUARANTOR FOR OTHER PARTIES.** — The ~~[endorsement]~~ **indorsement** of a **tangible** document of title issued by a bailee does not make the ~~[endorser]~~ **indorser** liable for any default by the bailee or ~~[by]~~ previous ~~[endorsers]~~ **indorsers**.

**400.7-506. DELIVERY WITHOUT INDORSEMENT — RIGHT TO COMPEL INDORSEMENT.** — The transferee of a negotiable **tangible** document of title has a specifically enforceable right to have ~~[his]~~ **its** transferor supply any necessary ~~[endorsement]~~ **indorsement**, but the transfer becomes a negotiation only as of the time the ~~[endorsement]~~ **indorsement** is supplied.

**400.7-507. WARRANTIES ON NEGOTIATION OR TRANSFER OF RECEIPT OR BILL.** — ~~[Where]~~ If a person negotiates or ~~[transfers]~~ **delivers** a document of title for value, otherwise than as a mere intermediary under section 400.7-508, ~~[then]~~ unless otherwise agreed ~~[he]~~, **the transferor, in addition to any warranty made in selling or leasing the goods**, warrants to ~~[his]~~ **its** immediate purchaser only ~~[in addition to any warranty made in selling the goods]~~

— ~~(a)]~~ that:

~~(1)~~ the document is genuine; ~~[and]~~

— ~~(b) that he has no]~~ ~~(2)~~ **the transferor does not have** knowledge of any fact ~~[which]~~ **that** would impair ~~[its]~~ **the document's** validity or worth; and

~~(c) that his]~~ ~~(3)~~ **the negotiation or [transfer]** **delivery** is rightful and fully effective with respect to the title to the document and the goods it represents.

**400.7-508. WARRANTIES OF COLLECTING BANK AS TO DOCUMENTS.** — A collecting bank or other intermediary known to be entrusted with documents **of title** on behalf of another or with collection of a draft or other claim against delivery of documents warrants by ~~[such]~~ **the** delivery of the documents only its own good faith and authority~~[-This rule applies]~~ even ~~[though]~~ if the **collecting bank or other** intermediary has purchased or made advances against the claim or draft to be collected.

**400.7-509. RECEIPT OR BILL — WHEN ADEQUATE COMPLIANCE WITH COMMERCIAL CONTRACT.** — ~~[The question]~~ Whether a document **of title** is adequate to fulfill the obligations of a contract for sale, **a contract for lease**, or the conditions of a **letter of credit** is ~~[governed]~~ **determined** by ~~[the articles on sales (] article 2 )-and on letters of credit (article] , 2A, or 5[)].~~

**400.7-601. LOST AND MISSING DOCUMENTS.** — ~~[(4)]~~ ~~(a)~~ If a document ~~[has been]~~ **of title** is lost, stolen, or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with ~~[such]~~ **the** order. If the document was negotiable ~~[the claimant must post]~~, **a court shall not order delivery of the goods or issuance of a substitute document without the claimant's posting** security ~~[approved by the court to indemnify]~~ **unless it finds that** any person ~~[who]~~ **that** may suffer loss as a result of nonsurrender of **possession or control** of the document **is adequately protected against the loss**. If the document was ~~[not negotiable]~~ **nonnegotiable**, ~~[such security may be required at the discretion of]~~ the court **may require security**. The court may also ~~[in its discretion]~~ order payment of the bailee's reasonable costs and ~~[counsel]~~ **attorney's fees in any action under this subsection**.

~~(2)]~~ ~~(b)~~ A bailee ~~[who]~~ **that**, without a court order, delivers goods to a person claiming under a missing negotiable document **of title** is liable to any person injured thereby~~[-and]~~. If the delivery is not in good faith ~~[becomes]~~, **the bailee is** liable for conversion. Delivery in good faith is not conversion ~~[if made in accordance with a filed classification or tariff or, where no classification or tariff is filed,]~~ if the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery ~~[who]~~ **which** files a notice of claim within one year after the delivery.

**400.7-602. ATTACHMENT OF GOODS COVERED BY A NEGOTIABLE DOCUMENT.** — ~~[Except where the]~~ **Unless a document of title** was originally issued upon delivery of the goods by a person ~~[who had no]~~ **that did not have** power to dispose of them, ~~[no]~~ **a lien [attaches] does not attach** by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless **possession or control of the document [be] is first surrendered to the bailee or [its] the document's negotiation is enjoined[-and].** The bailee shall not be compelled to deliver the goods pursuant to process until **possession or control of the document is surrendered to [him] the bailee or [impounded by] to the court.** ~~[One who purchases]~~ **A purchaser of the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.**

**400.7-603. CONFLICTING CLAIMS—INTERPLEADER.** — If more than one person claims title **to** or possession of the goods, the bailee is excused from delivery until ~~[he]~~ **the bailee has [had] a reasonable time to ascertain the validity of the adverse claims or to [bring] commence an action [to compel all claimants to interplead and may compel such] for interpleader. The bailee may assert an interpleader[-]; either in defending an action for nondelivery of the goods[-] or by original action[-, whichever is appropriate].**

**400.7-703. APPLICABILITY.** — **This chapter applies to a document of title that is issued or a bailment that arises on or after the effective date of this chapter. This chapter does not apply to a document of title that is issued or a bailment that arises before the effective date of this chapter even if the document of title or bailment would be subject to this chapter if the document of title had been issued or bailment had arisen on or after the effective date of this chapter. This chapter does not apply to a right of action that has accrued before the effective date of this chapter.**

**400.7-704. SAVINGS CLAUSE.** — **A document of title issued or a bailment that arises before the effective date of this chapter and the rights, obligations, and interests flowing from that document or bailment are governed by any statute or other rule amended or repealed by this chapter as if amendment or repeal had not occurred and may be terminated, completed, consummated, or enforced under that statute or other rule.**

~~[400.1-207. PERFORMANCE OR ACCEPTANCE UNDER RESERVATION OF RIGHTS. — (1) A party who, with explicit reservation of rights, performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice", "under protest" or the like are sufficient. — (2) Subsection (1) does not apply to an accord and satisfaction.]~~

~~[400.1-208. OPTION TO ACCELERATE AT WILL. — A term providing that one party or his successor in interest may accelerate payment or performance or require collateral or additional collateral "at will" or "when he deems himself insecure" or in words of similar import shall be construed to mean that he shall have power to do so only if he in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against whom the power has been exercised.]~~

~~[400.7-604. CONFLICTS WITH SECTIONS 415.400 TO 415.430, 415.400 TO 415.430 CONTROL. — To the extent that the provisions of this article conflict with the provisions of sections 415.400 to 415.430 the provisions of sections 415.400 to 415.430 shall control.]~~

Approved May 8, 2017

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HB 50 [SCS HCS HB 50]

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

**Changes division designations for circuit and associate courts in the Sixteenth Judicial Circuit**

AN ACT to repeal section 478.463, RSMo, and to enact in lieu thereof one new section relating to the sixteenth judicial circuit.

SECTION

A. Enacting clause.

478.463. Circuit No. 16, number of judges, divisions — where divisions to sit.

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

**SECTION A. ENACTING CLAUSE.** — Section 478.463, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 478.463, to read as follows:

**478.463. CIRCUIT NO. 16, NUMBER OF JUDGES, DIVISIONS — WHERE DIVISIONS TO SIT.** — There shall be nineteen circuit judges in the sixteenth judicial circuit consisting of the county of Jackson. These judges shall sit in nineteen divisions. Divisions one, three, four, six, seven, eight, nine, ten, eleven, ~~twelve,~~ thirteen, fourteen, fifteen, and eighteen shall sit at the city of Kansas City and divisions two, five, **twelve**, sixteen, and seventeen shall sit at the city of Independence. Division nineteen shall sit at both the city of Kansas City and the city of Independence. Notwithstanding the foregoing provisions, the judge of the probate division shall sit at both the city of Kansas City and the city of Independence.

Approved July 5, 2017

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HB 51 [SCS HB 51]

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

**Authorizes county commissions that oversee cemetery funds to utilize investment managers**

AN ACT to repeal section 214.160, RSMo, and to enact in lieu thereof one new section relating to cemetery funds.

SECTION

A. Enacting clause.

214.160. Investment or lending of trust funds — investment manager, duties — definitions.

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

**SECTION A. ENACTING CLAUSE.** — Section 214.160, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 214.160, to read as follows:

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**214.160. INVESTMENT OR LENDING OF TRUST FUNDS — INVESTMENT MANAGER, DUTIES — DEFINITIONS. — 1.** Under sections 214.140 to 214.180, and as otherwise not prohibited under Article VI, Section 23 of the Constitution of Missouri, the county commission [shall] may invest or loan said trust fund or funds [only] in United States government, state, county or municipal bonds, certificates of deposit, first real estate mortgages, or deeds of trust and may utilize investment managers to invest, reinvest, and manage assets, subject to the terms, conditions, and limitations provided in this section and Article IV, Section 15 of the Constitution of Missouri. They shall use the net income from said trust fund or funds or such investments or so much thereof as is necessary to support and maintain and beautify any public or private cemetery or any particular part thereof which may be designated by the person, persons or firm or association making said gift or bequest. In maintaining or supporting the cemetery or any particular part or portion thereof the commission shall as nearly as possible follow the expressed wishes of the creator of said trust fund.

**2.** An investment manager shall discharge his or her duties in the interest of the public or private cemetery and the interest of the person, persons, or firm making the gift or bequest and shall:

(1) Act with the same care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity and familiar with those matters would use in the conduct of a similar enterprise with similar aims;

(2) Act with due regard for the management, reputation, and stability of the issuer and the character of the particular investments being considered;

(3) Make investments for the purpose of supporting, maintaining, and beautifying any public or private cemetery or any particular part thereof, which may be designated by the person, persons, or firm or association making said gift or bequest, and of defraying reasonable expenses of investing the assets;

(4) Give appropriate consideration to those facts and circumstances that the investment fiduciary knows or should know are relevant to the particular investment or investment course of action involved, including the role the investment or investment course of action plays in that portion of the investments for which the investment fiduciary has responsibility. For purposes of this subdivision, "appropriate consideration" shall include, but is not limited to, a determination by the investment fiduciary that a particular investment or investment course of action is reasonably designed to further the purposes of supporting, maintaining, and beautifying any public or private cemetery or any particular part thereof, which may be designated by the person, persons, or firm or association making said gift or bequest, while considering the risk of loss and the opportunity for gain or other return associated with the investment or investment course of action and considering the following factors as they relate to the investment or investment course of action:

(a) The diversification of the investments;

(b) The liquidity and current return of the investments relative to the anticipated cash flow requirements; and

(c) The projected return of the investments relative to the funding objectives; and

(5) Give appropriate consideration to investments that would enhance the general welfare of this state and its citizens if those investments offer the safety and rate of return comparable to other investments available to the investment fiduciary at the time the investment decision is made.

**3.** As used in this section, "invest" or "investment" means utilization of moneys in the expectation of future returns in the form of income or capital gain.

Approved June 20, 2017

## HB 93 [SS SCS HB 93]

**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 job training**

AN ACT to repeal sections 620.800, 620.803, 620.806, and 620.809, RSMo, and to enact in lieu thereof ten new sections relating to job training.

## SECTION

- A. Enacting clause.
- 160.2700. Adult high school defined.
- 160.2705. Establishment of adult high schools, where — bid process — academic requirements, diplomas.
- 160.2710. Minimum enrollment age — preference given to students receiving certain income-based assistance.
- 160.2715. State and local funding restrictions — permissible public or private funding sources — outcome expectations.
- 160.2720. Annual report, contents.
- 160.2725. Rulemaking authority.
- 620.800. Definitions.
- 620.803. Training program established, purpose, funding — oversight committee created, members, report — rulemaking authority — bankruptcy, notification required.
- 620.806. Missouri Works job development fund established, use of moneys.
- 620.809. Community college funds created, use of moneys — forms — establishment of projects, procedure, requirements — funding options — issuance of certificates — sunset provisions.

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

**SECTION A. ENACTING CLAUSE.** — Sections 620.800, 620.803, 620.806, and 620.809, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 160.2700, 160.2705, 160.2710, 160.2715, 160.2720, 160.2725, 620.800, 620.803, 620.806, and 620.809, to read as follows:

**160.2700. ADULT HIGH SCHOOL DEFINED.** — For purposes of sections 160.2700 to 160.2725, "adult high school" means a school that:

- (1) Is for individuals who do not have a high school diploma and who are twenty-one years of age or older;
- (2) Offers an industry certification program or programs and a high school diploma in a manner that allows students to earn a diploma at the same time that they earn an industry certification;
- (3) Offers on-site child care for children of enrolled students attending the school; and
- (4) Is not eligible to receive funding under sections 160.415 or 163.031.

**160.2705. ESTABLISHMENT OF ADULT HIGH SCHOOLS, WHERE — BID PROCESS — ACADEMIC REQUIREMENTS, DIPLOMAS.** — 1. The department of elementary and secondary education shall authorize before January 1, 2018, a Missouri-based nonprofit organization meeting the criteria under subsection 2 of this section to establish and operate four adult high schools, with:

- (1) One adult high school to be located in a city not within a county;
- (2) One adult high school to be located in 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 or a county contiguous to that county;
- (3) One adult high school to be located in a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants or a county contiguous to that county; and



(4) One adult high school to be located in a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

2. The department of elementary and secondary education shall grant the authorization described under subsection 1 of this section based on a bid process conducted in accordance with the rules and regulations governing purchasing through the office of administration. The successful bidder shall:

(1) Demonstrate the ability to establish, within twenty-one months of the receipt of the authorization, four adult high schools offering high school diplomas, an industry certification program or programs, and on-site child care for children of the students attending the high schools;

(2) Commit at least two million dollars in investment for the purpose of establishing the necessary infrastructure to operate four adult high schools;

(3) Demonstrate substantial and positive experience in providing services, including industry certifications and job placement services, to adults twenty-one years of age or older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances;

(4) Establish a partnership with a state-supported postsecondary education institution or more than one such partnership, if a partnership or partnerships are necessary in order to meet the requirements for an adult high school;

(5) Establish a comprehensive plan that sets forth how the adult high schools will help address the need for a sufficiently trained workforce in the surrounding region for each adult high school;

(6) Establish partnerships and strategies for engaging the community and business leaders in carrying out the goals of each adult high school;

(7) Establish the ability to meet quality standards through certified teachers and programs that support each student in his or her goal to find a more rewarding job;

(8) Establish a plan for assisting students in overcoming barriers to educational success including, but not limited to, educational disadvantages, homelessness, criminal history, disability, including learning disability such as dyslexia, and similar circumstances;

(9) Establish a process for determining outcomes of the adult high school, including outcomes related to a student's ability to find a more rewarding job through the attainment of a high school diploma and job training and certification; and

(10) Bids shall not include an administrative fee greater than ten percent.

3. (1) The department of elementary and secondary education shall establish academic requirements for students to obtain high school diplomas.

(2) Requirements for a high school diploma shall be based on an adult student's prior high school achievement and the remaining credits and coursework that would be necessary for the student to receive a high school diploma if he or she were in a traditional high school setting. The adult student shall meet the requirements with the same level of academic rigor as would otherwise be necessary to attain such credits.

(3) The adult high school authorized under this section shall award high school diplomas to students who successfully meet the established academic requirements. The adult high school authorized under this section shall confer the diploma as though the student earned the diploma at a traditional high school. The diploma shall have no differentiating marks, titles, or other symbols.

(4) Students at adult high schools may complete required coursework at their own pace and as available through the adult high school. They shall not be required to satisfy any specific number of class minutes. The adult high school may also make classes available to students online as may be appropriate. However, students shall not complete the majority of instruction of the school's curriculum online or through remote instruction.

(5) The department of elementary and secondary education shall not create additional regulations or burdens on the adult high school or the students attending the

adult high schools beyond certifying necessary credits and ensuring that students have sufficiently mastered the subject matter to make them eligible for credit.

**160.2710. MINIMUM ENROLLMENT AGE — PREFERENCE GIVEN TO STUDENTS RECEIVING CERTAIN INCOME-BASED ASSISTANCE. — 1.** Any person who is twenty-one years of age or older may enroll in an adult high school if he or she has not earned a high school diploma.

**2.** An adult high school shall give a preference in admission to those students who receive any local, state, or federal assistance in which a person or family is required not to exceed a certain income level in order to qualify for the assistance.

**160.2715. STATE AND LOCAL FUNDING RESTRICTIONS — PERMISSIBLE PUBLIC OR PRIVATE FUNDING SOURCES — OUTCOME EXPECTATIONS. — 1.** An adult high school shall not receive state funding under sections 160.415 or 163.031 and shall not receive any local funding that is intended to benefit traditional public schools or charter schools in the state.

**2.** An adult high school may receive funding from public or private sources, including from the nonprofit organization operating the adult high school. If an adult high school receives funding from a public source, it shall operate in a manner so as not to violate the provisions of article IX, section 8, or article I, section 7, of the Constitution of Missouri or the first amendment of the Constitution of the United States.

**3.** The nonprofit organization operating an adult high school shall ensure that funding for the adult high school enables it to operate year-round.

**4.** The nonprofit organization operating an adult high school shall set the following outcome expectations for the adult high school:

**(1)** Each year, at least seventy-five percent of the school's students will graduate or continue working toward a high school diploma and, if applicable, an industry certification;

**(2)** At least fifty percent of the school's graduates will attain an industry certification or enroll in higher education or more advanced skills training within six months of graduation;

**(3)** At least eighty-five percent of the school's graduates who do not enroll in higher education or more advanced skills training will be employed within six months of graduation; and

**(4)** The school's graduates who enter the workforce shall have, on average, a wage rate at least twenty percent greater than the average Missouri wage rate for individuals without high school diplomas.

**160.2720. ANNUAL REPORT, CONTENTS. —** The nonprofit organization who receives the authorization described under section 160.2705 shall submit to the department of elementary and secondary education, the joint committee on education, and the offices of the governor, speaker of the house of representatives, and president pro tempore of the senate an annual report concerning evaluations of the adult high schools, including the impact the adult high schools have had in meeting industry needs in the state before December first of each year.

**160.2725. RULEMAKING AUTHORITY. —** The department of elementary and secondary education may promulgate rules to implement the provisions of sections 160.2700 to 160.2720. 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, 2017, shall be invalid and void.**

**620.800. DEFINITIONS.** — The following additional terms used in sections 620.800 to 620.809 shall mean:

(1) "Agreement", the agreement between a qualified company, a community college district, and the department concerning a training project. Any such agreement shall comply with the provisions of section 620.017;

(2) "Board of trustees", the board of trustees of a community college district established under the provisions of chapter 178;

(3) "Certificate", a new or retained jobs training certificate issued under section 620.809;

(4) "Committee", the Missouri works job training joint legislative oversight committee, established under the provisions of section 620.803;

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

(6) "Employee", a person employed by a qualified company;

(7) "Full-time employee", an employee of the qualified company who is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one to whom the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;

(8) "Local education agency", a community college, two-year state technical college, or technical career education center;

(9) "Missouri works training program", the training program established under sections 620.800 to 620.809;

(10) "New capital investment", costs incurred by the qualified company at the project facility ~~[after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent, whichever occurs first,]~~ for real or personal property, that may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or approval of the notice of intent;

(11) "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 who spends less than fifty percent of his or her work time at the facility is still considered to be located at a facility if he or she 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 applicable percentage of the county's average wage;

(12) "New jobs credit", the credit from withholding remitted by a qualified company provided under subsection 6 of section 620.809;

(13) "Notice of intent", a form developed by the department, completed by the qualified company, and submitted to the department that states the qualified company's intent to request benefits under this program;

(14) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated, provided that, if the buildings making up the project facility are not located within the same county, the average wage of the new payroll must exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if

the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

(15) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(16) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of sections 620.800 to 620.809, the term "qualified company" shall not mean:

- (a) Gambling establishments (NAICS industry group 7132);
- (b) Retail trade establishments (NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;
- (c) Food services and drinking places (NAICS subsector 722);
- (d) Public utilities (NAICS 221 including water and sewer services);
- (e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;
- (f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:
  - a. Certifies to the department that it plans to reorganize and not to liquidate; and
  - b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization;
- (g) Educational services (NAICS sector 61);
- (h) Religious organizations (NAICS industry group 8131);
- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production; or
- (k) Biodiesel production.

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

- (17) "Related company":
- (a) A corporation, partnership, trust, or association controlled by the qualified company;
  - (b) An individual, corporation, partnership, trust, or association in control of the qualified company; or
  - (c) Corporations, partnerships, trusts, or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of
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the capital or profits interest in such partnership or association; "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; and "ownership" shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(18) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(19) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(20) "Retained jobs", the average number of full-time employees of a qualified company located at the project facility during each month for the calendar year preceding the year in which the notice of intent is submitted;

(21) "Retained jobs credit", the credit from withholding remitted by a qualified company provided under subsection 6 of section 620.809;

(22) "Targeted industry", an industry or one of a cluster of industries identified by the department by rule following a strategic planning process as being critical to the state's economic security and growth;

(23) "Training program", the Missouri works training program established under sections 620.800 to 620.809;

(24) "Training project", the project or projects established through the Missouri works training program for the creation or retention of jobs by providing education and training of workers;

(25) "Training project costs", all necessary and incidental costs of providing program services through the training program, including:

- (a) Training materials and supplies;
- (b) Wages and benefits of instructors, who may or may not be employed by the eligible industry, and the cost of training such instructors;
- (c) Subcontracted services;
- (d) On-the-job training;
- (e) Training facilities and equipment;
- (f) Skill assessment;
- (g) Training project and curriculum development;
- (h) Travel directly to the training project, including a coordinated transportation program for training if the training can be more effectively provided outside the community where the jobs are to be located;
- (i) Payments to third-party training providers and to the eligible industry;
- (j) Teaching and assistance provided by educational institutions in the state of Missouri;
- (k) In-plant training analysis, including fees for professionals and necessary travel and expenses;

(l) Assessment and preselection tools;

(m) Publicity;

(n) Instructional services;

(o) Rental of instructional facilities with necessary utilities; and

(p) Payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, and the funding and maintenance of a debt service reserve fund to secure such certificates;

(26) "Training project services", includes, but shall not be limited to, the following:

- (a) Job training, which may include, but not be limited to, preemployment training, analysis of the specified training needs for a qualified company, development of training plans, and provision of training through qualified training staff;

- (b) Adult basic education and job-related instruction;
- (c) Vocational and skill-assessment services and testing;
- (d) Training facilities, equipment, materials, and supplies;
- (e) On-the-job training;
- (f) Administrative expenses equal to fifteen percent of the total training costs;
- (g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;
- (h) Contracted or professional services; and
- (i) Issuance of certificates, when applicable.

**620.803. TRAINING PROGRAM ESTABLISHED, PURPOSE, FUNDING — OVERSIGHT COMMITTEE CREATED, MEMBERS, REPORT — RULEMAKING AUTHORITY — BANKRUPTCY, NOTIFICATION REQUIRED.** — 1. The department shall establish a "Missouri Works Training Program" to assist qualified companies in the training of employees in new jobs and the retraining or upgrading of skills of full-time employees in retained jobs as provided in sections 620.800 to 620.809. The training program shall be funded through appropriations to the funds established under sections 620.806 and 620.809. The department shall, to the maximum extent practicable, prioritize funding under the training program to assist qualified companies in targeted industries.

2. There is hereby created the "Missouri Works Job Training Joint Legislative Oversight Committee". The committee shall consist of three members of the Missouri senate appointed by the president pro tempore of the senate and three members of the house of representatives appointed by the speaker of the house. No more than two of the members of the senate and two of the members of the house of representatives shall be from the same political party. Members of the committee shall report to the governor, the president pro tempore of the senate, and the speaker of the house of representatives on all assistance to industries under the provisions of sections 620.800 to 620.809 provided during the preceding fiscal year. The report of the committee shall be delivered no later than October first of each year. The director of the department shall report to the committee such information as the committee may deem necessary for its annual report. Members of the committee shall receive no compensation in addition to their salary as members of the general assembly but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.

3. The department shall publish guidelines and may promulgate rules and regulations governing the training program. 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. The department shall make program applications and guidelines available online.

5. The department may contract with other entities, **not to exceed fifty thousand dollars annually**, for the purposes of ~~carrying out the provisions of~~ **advertising, marketing, or promoting** the training program established in sections 620.800 to 620.809. Any assistance through the training program shall be provided under an agreement.

6. Prior to the authorization of any application submitted through the training program, the department shall verify the applicant's tax payment status and offset any delinquencies as provided in section 135.815.

7. Any taxpayer who is awarded benefits under sections 620.800 to 620.809 and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., as amended shall immediately notify the department, shall forfeit such benefits, and shall repay the

state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

**620.806. MISSOURI WORKS JOB DEVELOPMENT FUND ESTABLISHED, USE OF MONEYS.**

— 1. The Missouri job development fund, formerly established in the state treasury by section 620.478, shall now be known as the "Missouri Works Job Development Fund" and shall be administered by the department for the training program. The fund shall consist of all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, or bequests received from federal, private or other sources, including, but not limited to, any block grant or other sources of funding relating to job training, school-to-work transition, welfare reform, vocational and technical training, housing, infrastructure, development, and human resource investment programs which may be provided by the federal government or other sources.

2. The department may provide financial assistance through the training program to qualified companies that create new jobs which will result in the need for training, or that make new capital investment relating directly to the retention of jobs in an amount at least five times greater than the amount of any financial assistance. Financial assistance may also be provided to a consortium of **a majority of** qualified companies organized to provide common training to the consortium members' employees. Funds in the Missouri works job development fund shall be appropriated, for financial assistance through the training program, by the general assembly to the department and shall be administered by a local educational agency certified by the department for such purpose. Except for state-sponsored preemployment training, no qualified company shall receive more than fifty percent of its training program costs from the Missouri works job development fund. No funds shall be awarded or reimbursed to any qualified company for the training, retraining, or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage. Upon approval by the department, training project costs, except the purchase of training equipment and training facilities, shall be eligible for reimbursement with funds from the Missouri works job development fund. Notwithstanding any provision of law to the contrary, no qualified company within a service industry shall be eligible for assistance under this subsection unless such qualified company provides services in interstate commerce, which shall mean that the qualified company derives a majority of its annual revenues from out of the state.

3. The department may provide assistance, through appropriations made from the Missouri works job development fund, to business and technology centers. Such assistance shall not include the lending of the state's credit for the payment of any liability of the fund. Such centers may be established by Missouri community colleges, or state-owned postsecondary technical colleges, to provide business and training services for growth industries as determined by current labor market information.

**620.809. COMMUNITY COLLEGE FUNDS CREATED, USE OF MONEYS — FORMS — ESTABLISHMENT OF PROJECTS, PROCEDURE, REQUIREMENTS — FUNDING OPTIONS — ISSUANCE OF CERTIFICATES — SUNSET PROVISIONS.** — 1. The Missouri community college job training program fund, formerly established in the state treasury by section 178.896, shall now be known as the "Missouri Works Community College New Jobs Training Fund" and shall be administered by the department for the training program. The department of revenue shall credit to the fund, as received, all new jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special

fund for each training project ~~[in the same proportion as the new jobs credit remitted by the qualified company participating in such project bears to the total new jobs credit from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made]~~ **as provided under subsection 5 of this section.** All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

2. The Missouri community college job retention training program fund, formerly established in the state treasury by section 178.764, shall now be known as the "Missouri Works Community College Job Retention Training Fund" and shall be administered by the department for the Missouri works training program. The department of revenue shall credit to the fund, as received, all retained jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay training program costs, including the principal, premium, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the department shall be made to the special fund for each project ~~[in the same proportion as the retained jobs credit from withholding remitted by the qualified company participating in such project bears to the total retained jobs credit from withholding remitted by qualified companies participating in projects during the period for which the disbursement is made]~~ **as provided under subsection 5 of this section.** All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

3. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company's new jobs credit paid into the Missouri works community college new jobs training fund or retained jobs credit paid into the Missouri works community college job retention training fund. The new or retained jobs credits shall be accounted as separate from the normal withholding tax paid to the department of revenue by the qualified company. Reimbursements made by all qualified companies to the Missouri works community college new jobs training fund and the Missouri works community college job retention training fund shall be no less than all allocations made by the department to all community college districts for all projects. The qualified company shall remit the amount of the new or retained jobs credit, as applicable, to the department of revenue in the same manner as provided in sections 143.191 to 143.265.

4. A community college district, with the approval of the department in consultation with the office of administration, may enter into an agreement to establish a training project and provide training project services to a qualified company. As soon as possible after initial contact between a community college district and a potential qualified company regarding the possibility of entering into an agreement, the district shall inform the department of the potential training project. The department shall evaluate the proposed training project within the overall job training efforts of the state to ensure that the training project will not duplicate other job training programs. The department shall have fourteen days from receipt of a notice of intent to approve or disapprove a training project. If no response is received by the qualified company within fourteen days, the training project shall be deemed approved. Disapproval of any training project shall be made in writing and state the reasons for such disapproval. If an agreement is entered into, the district and the qualified company shall notify the department of revenue within fifteen calendar days. In addition to any provisions required under subsection 5 of this section for a qualified company applying to receive a retained job credit, an agreement may provide, but shall not be limited to:

(1) Payment of training project costs, which may be paid from one or a combination of the following sources:

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(a) Funds appropriated by the general assembly to the Missouri works community college new jobs training program fund or Missouri works community college job retention training program fund, as applicable, and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

(b) **Funds appropriated by the general assembly from the general revenue fund and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;**

(c) Tuition, student fees, or special charges fixed by the board of trustees to defray training project costs in whole or in part;

(2) Payment of training project costs which shall not be deferred for a period longer than eight years;

(3) Costs of on-the-job training for employees which shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total wages paid by the qualified company to each participant during the period of training. Payment for on-the-job training may continue for up to six months from the date the training begins;

(4) A provision which fixes the minimum amount of new or retained jobs credits, **general revenue fund appropriations**, or tuition and fee payments which shall be paid for training project costs; and

(5) Any payment required to be made by a qualified company. This payment shall constitute a lien upon the qualified company's business property until paid, shall have equal priority with ordinary taxes and shall not be divested by a judicial sale. Property subject to such lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale shall obtain the property subject to the remaining payments.

5. (1) **For projects that are funded exclusively under paragraph (a) of subdivision (1) of subsection 4 of this section, the department shall disburse such funds to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made.**

(2) **Subject to appropriation, for projects that are funded through a combination of funds under paragraphs (a) and (b) of subdivision (1) of subsection 4 of this section, the department shall disburse funds appropriated under paragraph (b) of subdivision (1) of subsection 4 of this section to the special fund for each training project upon commencement of the project. The department shall disburse funds appropriated under paragraph (a) of subdivision (1) of subsection 4 of this section to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made, reduced by the amount of funds appropriated under paragraph (b) of subdivision (1) of subsection 4 of this section.**

6. Any qualified company that submits a notice of intent for retained job credits shall enter into an agreement, providing that the qualified company has:

(1) Maintained at least one hundred full-time employees per year at the project facility for the calendar year preceding the year in which the application is made;

(2) Retained, at the project facility, the same number of employees that existed in the taxable year immediately preceding the year in which application is made; and

(3) Made or agrees to make a new capital investment of greater than five times the amount of any award under this training program at the project facility over a period of two consecutive calendar years, as certified by the qualified company and:

(a) Has made substantial investment in new technology requiring the upgrading of employee skills; or

(b) Is located in a border county of the state and represents a potential risk of relocation from the state; or

(c) Has been determined to represent a substantial risk of relocation from the state by the director of the department of economic development.

[6-] 7. If an agreement provides that all or part of the training program costs are to be met by receipt of new or retained jobs credit, such new or retained jobs credit from withholding shall be determined and paid as follows:

(1) New or retained jobs credit shall be based upon the wages paid to the employees in the new or retained jobs;

(2) A portion of the total payments made by the qualified companies under sections 143.191 to 143.265 shall be designated as the new or retained jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the qualified company for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the qualified company for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new or retained jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the qualified company under sections 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference. The qualified company shall remit the amount of the new or retained jobs credit to the department of revenue in the manner prescribed in sections 143.191 to 143.265. When all training program costs have been paid, the new or retained jobs credits shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the training project. All funds appropriated by the general assembly from the funds established under subsections 1 and 2 of this section and disbursed by the department for the training project and other amounts received by the district for training project costs as required by the agreement shall be deposited in the special fund. Amounts held in the special fund shall be used and disbursed by the district only to pay training project costs for such training project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in the same manner as the district's other funds;

(4) Any disbursement for training project costs received from the department under sections 620.800 to 620.809 and deposited into the training project's special fund may be irrevocably pledged by a community college district for the payment of the principal, premium, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, such training project;

(5) The qualified company shall certify to the department of revenue that the new or retained jobs credit is in accordance with an agreement and shall provide other information the department of revenue may require;

(6) An employee participating in a training project shall receive full credit under section 143.211 for the amount designated as a new or retained jobs credit;

(7) If an agreement provides that all or part of training program costs are to be met by receipt of new or retained jobs credit, the provisions of this subsection shall also apply to any successor to the original qualified company until the principal and interest on the certificates have been paid.

[7-] 8. To provide funds for the present payment of the training project costs of new or retained jobs training project through the training program, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri works community college new jobs training fund or the Missouri works community college job retention training fund, to the special fund established by the district for each project. The total

amount of outstanding certificates sold by all community college districts shall not exceed the total amount authorized under law as of January 1, 2013, unless an increased amount is authorized in writing by a majority of members of the committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the issuance of such certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

~~[8.]~~ **9.** Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section, with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a rate of interest that is higher, lower, or equivalent to that of the certificates being renewed or refunded.

~~[9.]~~ **10.** Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person with standing may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates shall be final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

~~[10.]~~ **11.** The board of trustees shall make a finding based on information supplied by the qualified company that revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

~~[11.]~~ **12.** Certificates issued under this section shall not be deemed to be an indebtedness of the state, the community college district, or any other political subdivision of the state, and the principal and interest on any certificates shall be payable only from the sources provided in subdivision (1) of subsection 4 of this section which are pledged in the agreement.

~~[12.]~~ **13.** Pursuant to section 23.253 of the Missouri sunset act:

(1) The new program authorized under sections 620.800 to 620.809 shall automatically sunset July 1, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 620.800 to 620.809 shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.800 to 620.809; and

(3) Sections 620.800 to 620.809 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under sections 620.800 to 620.809 is sunset.

Approved July 5, 2017

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## HB 115 [SS SCS HCS HB 115]

**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 sale of intoxicating liquor in airports**

AN ACT to repeal sections 302.441, 311.070, 311.179, 311.275, 311.462, 311.510, and 311.540, RSMo, and to enact in lieu thereof seven new sections relating to intoxicating liquor, with existing penalty provisions.

## SECTION

- A. Enacting clause.
- 302.441. Employment exemption variance, permitted when — restrictions.
- 311.070. Financial interest in retail businesses by certain licensees prohibited, exceptions — penalties — definitions — activities permitted between wholesalers and licensees — certain contracts unenforceable — installation of dispensing accessories — contributions to certain organizations permitted, when — sale of Missouri wines only, license issued, when.
- 311.075. Financial interests in distillery in close proximity to a recreational resort.
- 311.179. St. Louis Lambert International Airport and Kansas City International Airport, special permit, fee.
- 311.275. Wholesale-solicitors registration required — primary American source of supply, defined — vintage wine registration — approval of application, when.
- 311.510. Inspection of malt liquors — duty of supervisor — product samples not required for approval.
- 311.540. Liquor inspection, labeling and gauging — requirements.
- 311.462. Interstate reciprocal wine shipments, allowed when, limitations — solicitation prohibited.

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

**SECTION A. ENACTING CLAUSE.** — Sections 302.441, 311.070, 311.179, 311.275, 311.462, 311.510, and 311.540, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 302.441, 311.070, 311.075, 311.179, 311.275, 311.510, and 311.540, to read as follows:

**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 **or controls** 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.

**311.070. FINANCIAL INTEREST IN RETAIL BUSINESSES BY CERTAIN LICENSEES PROHIBITED, EXCEPTIONS — PENALTIES — DEFINITIONS — ACTIVITIES PERMITTED BETWEEN WHOLESALERS AND LICENSEES — CERTAIN CONTRACTS UNENFORCEABLE — INSTALLATION OF DISPENSING ACCESSORIES — CONTRIBUTIONS TO CERTAIN ORGANIZATIONS PERMITTED, WHEN — SALE OF MISSOURI WINES ONLY, LICENSE ISSUED, WHEN.** — 1. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. However,

notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and ~~midnight~~ **1:30 a.m.**, Monday through Saturday and between the hours of ~~11:00~~ **9:00** a.m. and ~~9:00 p.m.~~ **midnight**, Sunday. 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, or 311.095.

2. Any distiller, wholesaler, winemaker or brewer who shall violate the provisions of subsection 1 of this section, or permit his employees, officers or agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

- (1) For the first offense, by a fine of one thousand dollars;
- (2) For a second offense, by a fine of five thousand dollars; and
- (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of such person shall be revoked.

3. As used in this section, the following terms mean:

(1) "Consumer advertising specialties", advertising items that are designed to be carried away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, postcards, pencils, shirts, caps and visors;

(2) "Equipment and supplies", glassware (or similar containers made of other material), dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice. "Dispensing accessories" include standards, faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;

(3) "Permanent point-of-sale advertising materials", advertising items designed to be used within a retail business establishment for an extended period of time to attract consumer attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials shall only include inside signs (electric, mechanical or otherwise), mirrors, and sweepstakes/contest prizes displayed on the licensed premises;

(4) "Product display", wine racks, bins, barrels, casks, shelving or similar items the primary function of which is to hold and display consumer products;

(5) "Promotion", an advertising and publicity campaign to further the acceptance and sale of the merchandise or products of a distiller, wholesaler, winemaker or brewer;

(6) "Temporary point-of-sale advertising materials", advertising items designed to be used for short periods of time. Such materials include, but are not limited to: banners, decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters, cups, or menus.

4. Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker or brewer, or their employees, officers or agents may engage in the following activities with a retail licensee licensed pursuant to this chapter:

(1) The distiller, wholesaler, winemaker or brewer may give or sell product displays to a retail business if all of the following requirements are met:

(a) The total value of all product displays given or sold to a retail business shall not exceed three hundred dollars per brand at any one time in any one retail outlet. There shall be no combining or pooling of the three hundred dollar limits to provide a retail business a product display in excess of three hundred dollars per brand. The value of a product display is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such product display. Transportation and installation costs shall be excluded;

(b) All product displays shall bear in a conspicuous manner substantial advertising matter on the product or the name of the distiller, wholesaler, winemaker or brewer. The name and address of the retail business may appear on the product displays; and

(c) The giving or selling of product displays may be conditioned on the purchase of intoxicating beverages advertised on the displays by the retail business in a quantity necessary for the initial completion of the product display. No other condition shall be imposed by the distiller, wholesaler, winemaker or brewer on the retail business in order for such retail business to obtain the product display;

(2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler, winemaker or brewer may provide, give or sell any permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties to a retail business if all the following requirements are met:

(a) The total value of all permanent point-of-sale advertising materials provided to a retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred dollars per calendar year, per brand, per retail outlet. The value of permanent point-of-sale advertising materials is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such item. Transportation and installation costs shall be excluded. All permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records shall be maintained for a period of three years;

(b) The provider of permanent point-of-sale advertising materials shall own and otherwise control the use of permanent point-of-sale advertising materials that are provided by any distiller, wholesaler, winemaker, or brewer;

(c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer. The name, address and logos of the retail business may appear on the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or the consumer advertising specialties; and

(d) The distiller, wholesaler, winemaker or brewer shall not directly or indirectly pay or credit the retail business for using or distributing the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or consumer advertising specialties or for any incidental expenses arising from their use or distribution;

(3) A distiller, wholesaler, winemaker, or brewer may give a gift not to exceed a value of one thousand dollars per year to a holder of a temporary permit as defined in section 311.482;

(4) The distiller, wholesaler, winemaker or brewer may sell equipment or supplies to a retail business if all the following requirements are met:

(a) The equipment and supplies shall be sold at a price not less than the cost to the distiller, wholesaler, winemaker or brewer who initially purchased such equipment and supplies; and

(b) The price charged for the equipment and supplies shall be collected in accordance with credit regulations as established in the code of state regulations;

(5) The distiller, wholesaler, winemaker or brewer may install dispensing accessories at the retail business establishment, which shall include for the purposes of beer equipment to properly preserve and serve draught beer only and to facilitate the delivery to the retailer the brewers and wholesalers may lend, give, rent or sell and they may install or repair any of the following items or render to retail licensees any of the following services: beer coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps, blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor runways; and damage caused by any beer delivery excluding normal wear and tear and a complete record of equipment

furnished and installed and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of not less than one year;

(6) The distiller, wholesaler, winemaker or brewer may furnish, give or sell coil cleaning service to a retailer of distilled spirits, wine or malt beverages;

(7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a sample of distilled spirits or wine as long as the retailer has not previously purchased the brand from that wholesaler, if all the following requirements are met:

(a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of wine; if a particular product is not available in a size within the quantity limitations of this subsection, a wholesaler may furnish or give to a retailer the next larger size;

(b) The wholesaler shall keep a record of the name of the retailer and the quantity of each brand furnished or given to such retailer;

(c) For the purposes of this subsection, no samples of intoxicating liquor provided to retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened on the premises of the retailer except as provided by the retail license;

(d) For the purpose of this subsection, the word "brand" refers to differences in brand name of product or differences in nature of product; examples of different brands would be products having a difference in: brand name; class, type or kind designation; appellation of origin (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled spirits); differences in packaging such as a different style, type, size of container, or differences in color or design of a label are not considered different brands;

(8) The distiller, wholesaler, winemaker or brewer may package and distribute intoxicating beverages in combination with other nonalcoholic items as originally packaged by the supplier for sale ultimately to consumers; notwithstanding any provision of law to the contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not required to charge for nonalcoholic items any more than the actual cost of purchasing such nonalcoholic items from the supplier;

(9) The distiller, wholesaler, winemaker or brewer may sell or give the retail business newspaper cuts, mats or engraved blocks for use in the advertisements of the retail business;

(10) The distiller, wholesaler, winemaker or brewer may in an advertisement list the names and addresses of two or more unaffiliated retail businesses selling its product if all of the following requirements are met:

(a) The advertisement shall not contain the retail price of the product;

(b) The listing of the retail businesses shall be the only reference to such retail businesses in the advertisement;

(c) The listing of the retail businesses shall be relatively inconspicuous in relation to the advertisement as a whole; and

(d) The advertisement shall not refer only to one retail business or only to a retail business controlled directly or indirectly by the same retail business;

(11) Distillers, winemakers, wholesalers, brewers or retailers may conduct a local or national sweepstakes/contest upon a licensed retail premise. The sweepstakes/contest prize dollar amount shall not be limited and can be displayed in a photo, banner, or other temporary point-of-sale advertising materials on a licensed premises, if the following requirements are met:

(a) No money or something of value is given to the retailer for the privilege or opportunity of conducting the sweepstakes or contest; and

(b) The actual sweepstakes/contest prize is not displayed on the licensed premises if the prize value exceeds the permanent point-of-sale advertising materials dollar limit provided in this section;

(12) The distiller, wholesaler, winemaker or brewer may stock, rotate, rearrange or reset the products sold by such distiller, wholesaler, winemaker or brewer at the establishment of the retail

business so long as the products of any other distiller, wholesaler, winemaker or brewer are not altered or disturbed;

(13) The distiller, wholesaler, winemaker or brewer may provide a recommended shelf plan or shelf schematic for distilled spirits, wine or malt beverages;

(14) The distiller, wholesaler, winemaker or brewer participating in the activities of a retail business association may do any of the following:

(a) Display, serve, or donate its products at or to a convention or trade show;

(b) Rent display booth space if the rental fee is the same paid by all others renting similar space at the association activity;

(c) Provide its own hospitality which is independent from the association activity;

(d) Purchase tickets to functions and pay registration or sponsorship fees if such purchase or payment is the same as that paid by all attendees, participants or exhibitors at the association activity;

(e) Make payments for advertisements in programs or brochures issued by retail business associations if the total payments made for all such advertisements are fair and reasonable;

(f) Pay dues to the retail business association if such dues or payments are fair and reasonable;

(g) Make payments or donations for retail employee training on preventive sales to minors and intoxicated persons, checking identifications, age verification devices, and the liquor control laws;

(h) Make contributions not to exceed one thousand dollars per calendar year for transportation services that shall be used to assist patrons from retail establishments to his or her residence or overnight accommodations;

(i) Donate or serve up to five hundred dollars per event of alcoholic products at retail business association activities; and

(j) Any retail business association that receives payments or donations shall, upon written request, provide the division of alcohol and tobacco control with copies of relevant financial records and documents to ensure compliance with this subsection;

(15) The distiller, wholesaler, winemaker or brewer may sell or give a permanent outside sign to a retail business if the following requirements are met:

(a) The sign, which shall be constructed of metal, glass, wood, plastic, or other durable, rigid material, with or without illumination, or painted or otherwise printed onto a rigid material or structure, shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer;

(b) The retail business shall not be compensated, directly or indirectly, for displaying the permanent sign or a temporary banner;

(c) The cost of the permanent sign shall not exceed five hundred dollars; and

(d) Temporary banners of a seasonal nature or promoting a specific event shall not be constructed to be permanent outdoor signs and may be provided to retailers. The total cost of temporary outdoor banners provided to a retailer in use at any one time shall not exceed five hundred dollars per brand;

(16) A wholesaler may, but shall not be required to, exchange for an equal quantity of identical product or allow credit against outstanding indebtedness for intoxicating liquor with alcohol content of less than five percent by weight that was delivered in a damaged condition or damaged while in the possession of the retailer;

(17) To assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight in its undamaged original carton from the retailer's stock, if the wholesaler replaces the product with an equal quantity of identical product;

(18) In addition to withdrawals authorized pursuant to subdivision (17) of this subsection, to assure and control product quality, wholesalers at the time of a regular delivery may, but shall



not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight in its undamaged original carton from the retailer's stock and give the retailer credit against outstanding indebtedness for the product if:

(a) The product is withdrawn at least thirty days after initial delivery and within twenty-one days of the date considered by the manufacturer of the product to be the date the product becomes inappropriate for sale to a consumer; and

(b) The quantity of product withdrawn does not exceed the equivalent of twenty-five cases of twenty-four twelve-ounce containers; and

(c) To assure and control product quality, a wholesaler may, but not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight, in a container with a capacity of four gallons or more, delivered but not used, if the wholesaler removes the product within seven days of the initial delivery; and

(19) Nothing in this section authorizes consignment sales.

5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market, and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the supervisor of alcohol and tobacco control;

(2) Any fixtures, equipment, or furnishings provided by any distiller, wholesaler, winemaker, or brewer in furtherance of the sale of nonalcoholic products shall not be used by the retail licensee to store, service, display, advertise, furnish, or sell, or aid in the sale of alcoholic products regulated by the supervisor of alcohol and tobacco control. All such fixtures, equipment, or furnishings shall be identified by the retail licensee as being furnished by a licensed distiller, wholesaler, winemaker, or brewer.

6. Distillers, wholesalers, brewers and winemakers, or their officers or directors shall not require, by agreement or otherwise, that any retailer purchase any intoxicating liquor from such distillers, wholesalers, brewers or winemakers to the exclusion in whole or in part of intoxicating liquor sold or offered for sale by other distillers, wholesalers, brewers, or winemakers.

7. Notwithstanding any other provisions of this chapter to the contrary, a distiller or wholesaler may install dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits equipment to properly preserve and serve premixed distilled spirit beverages only. To facilitate delivery to the retailer, the distiller or wholesaler may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the following items or render to retail licensees any of the following services: coils and coil cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping equipment components, and damage caused by any delivery excluding normal wear and tear. A complete record of equipment furnished and installed and repairs or service made or rendered shall be kept by the distiller or wholesaler furnishing, making or rendering the same for a period of not less than one year.

8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be permitted to make contributions of money or merchandise to a licensed retail liquor dealer that is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section 313.005, or an educational institution if such contributions are unrelated to such organization's retail operations.

9. Distillers, brewers, wholesalers, and winemakers may make payments for advertisements in programs or brochures of tax-exempt organizations licensed under section 311.090 if the total payments made for all such advertisements are the same as those paid by other vendors.

10. A brewer or manufacturer, its employees, officers or agents may have a financial interest in the retail business for sale of intoxicating liquors at entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all kinds.

11. For the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. Such premises shall be closed during the hours specified under section 311.290 and may remain open between the hours of 9:00 a.m. and midnight on Sunday.

12. For the purpose of the promotion of tourism, a person may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor by the drink at retail for consumption on the premises where sold, but seventy-five percent or more of the intoxicating liquor sold by such licensed person shall be Missouri-produced wines received from manufacturers licensed under section 311.190. Such premises may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours of 11:00 a.m. and 9:00 p.m. on Sundays.

**311.075. FINANCIAL INTERESTS IN DISTILLERY IN CLOSE PROXIMITY TO A RECREATIONAL RESORT. — 1. Notwithstanding any other provisions of this chapter to the contrary, for the purpose of the promotion of tourism, a retailer, its employees, officers, shareholders, and agents may have a financial interest in a distillery for the manufacturing of intoxicating liquors located in close proximity to the grounds of a recreational resort owned, in whole or in part, by the retailer, its subsidiaries, or affiliates. As used in this section the term "recreational resort" shall mean any grounds used to entertain guests that are owned and operated as part of a facility by the retailer, its subsidiaries, or affiliates, which shall have a restaurant, at least thirty rooms for overnight accommodations, and outdoor activities that include fishing or golf. The distillery shall be in close proximity to the grounds of the recreational resort.**

**2. A retailer who is a holder of a license to sell intoxicating liquor by the drink at retail for consumption on the recreational resort's grounds shall be exempt from the provisions of section 311.280, for such intoxicating liquor that is manufactured in close proximity to the grounds of the recreational resort in accordance with the provisions of this chapter. All other intoxicating liquor sold by the drink at retail for consumption on the recreational resort's grounds shall be obtained in accordance with section 311.280.**

**3. The holder of a recreational resort distillery licensed pursuant to this section may also sell intoxicating liquor produced on the distillery premises to duly licensed wholesalers, and all such sales to wholesalers shall be subject to the provisions of sections 311.275 and 311.540. However, holders of a recreational resort distillery license shall not, under any circumstances, directly or indirectly, have any financial interest in any Missouri wholesaler's business.**

**311.179. ST. LOUIS LAMBERT INTERNATIONAL AIRPORT AND KANSAS CITY INTERNATIONAL AIRPORT, SPECIAL PERMIT, FEE. — 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail in an international airport located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat may apply to the supervisor of ~~liquor control~~ alcohol and tobacco control for a special permit~~[-The permit shall allow] which:~~**

(1) **Allows** the premises located in the international airport in such county to open at 4 a.m. and sell intoxicating liquor by the drink at retail for consumption ~~[on the premises where sold]~~. The provisions of this section and not those of section 311.097 regarding the time of opening shall apply to the sale of intoxicating liquor by the drink at retail for consumption ~~[on the premises where sold]~~ on Sunday[-];

(2) **Allows persons to leave licensed establishments with an alcoholic beverage and enter other airport designated areas located within such airport. No person shall take any alcoholic beverage or beverages outside such designated areas, including onto any airplane; and**

(3) **Requires every licensee within such international airport to serve alcoholic beverages in containers that display and contain the licensee's trade name or logo or some other mark that is unique to that license and licensee.**

2. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

**311.275. WHOLESALE-SOLICITORS REGISTRATION REQUIRED — PRIMARY AMERICAN SOURCE OF SUPPLY, DEFINED — VINTAGE WINE REGISTRATION — APPROVAL OF APPLICATION, WHEN.** — 1. For purposes of tax revenue control, beginning January 1, 1980, no holder of a license to solicit orders for the sale of intoxicating liquor, as defined in this chapter, within this state, other than a wholesale-solicitor, shall solicit, accept, or fill any order for any intoxicating liquor from a holder of a wholesaler's license issued under this chapter, unless the holder of such solicitor's license has registered with the division of alcohol and tobacco control as the primary American source of supply for the brand of intoxicating liquor sold or sought to be sold. The supervisor of alcohol and tobacco control shall provide forms for annual registration as the primary American source of supply, and shall prescribe the procedures for such registration.

2. Beginning January 1, 1980, no holder of a wholesaler's license issued under this chapter shall order, purchase or receive any intoxicating liquor from any solicitor, other than a wholesale-solicitor, unless the solicitor has registered with the division of alcohol and tobacco control as the primary American source of supply for the brand of intoxicating liquor ordered, purchased or received.

3. The term "primary American source of supply" as used herein shall mean the distiller, producer, the owner of the commodity at the time it became a marketable product, the bottler, or the exclusive agent of any such distiller, producer, bottler or owner, the basic requirement being that the nonresident seller be the first source closest to the manufacturer in the channel of commerce from whom the product can be secured by American wholesalers.

4. Any vintage wine solicitor licensed under section 311.180 may register as the primary American source of supply for vintage wine with the division of alcohol and tobacco control, provided that another solicitor is not registered as the primary American source of supply for the vintage wine and the vintage wine has been approved for sale by the federal Alcohol and Tobacco Tax and Trade Bureau.

5. **The supervisor of alcohol and tobacco control shall approve or deny any application for primary American source of supply for any intoxicating liquor product within five working days following the receipt of a properly completed application. Any such application for an intoxicating liquor product received by the supervisor of alcohol and tobacco control that is not approved or denied within five working days shall be considered conditionally approved and such intoxicating liquor product may be solicited, sold, shipped, ordered, purchased, and received in this state. All such applications submitted by applicants located in the state, and exclusively doing business in the state, shall be approved or denied before any such applications originating from other states are approved or denied.**

**311.510. INSPECTION OF MALT LIQUORS — DUTY OF SUPERVISOR — PRODUCT SAMPLES NOT REQUIRED FOR APPROVAL.** — 1. It shall be the duty of the supervisor of liquor control, **or his or her designee**, to cause to be inspected all beer, as defined in this chapter, or other intoxicating malt liquors, brewed, manufactured or sold in this state, and he **or she** shall determine whether such beer or other intoxicating malt liquor has been made from pure hops or the pure extract of hops, or of pure barley malt or other wholesome grains or cereals, or wholesome yeast, and pure water, and whether the package containing such beer or intoxicating malt liquor has been correctly labeled to show that the same has been made from wholesome ingredients.

2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control, **or his or her designee**, shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such beer or other intoxicating malt liquor product in the state of Missouri if the supervisor of liquor control is provided with a copy of a certificate of label approval issued by the ~~Federal Bureau of Alcohol, Tobacco and Firearms~~ **Alcohol and Tobacco Trade Bureau** [which verifies the alcohol content of the product].

3. **Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples prior to granting approval for the sale of any beer or other intoxicating malt liquors brewed, manufactured, and sold exclusively in this state if the supervisor of liquor control is provided a label. The supervisor of liquor control shall have sole authority to approve all labels for keg collars, bottles, and cans of such beer or other intoxicating malt liquor and any inspections to determine labeling compliance for such products shall be under the sole authority of the supervisor of liquor control, with no approval or inspection by the Alcohol and Tobacco Tax and Trade Bureau required.**

**311.540. LIQUOR INSPECTION, LABELING AND GAUGING — REQUIREMENTS.** — 1. Every person, persons or corporation who shall manufacture or distill spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors, within this state, and wholesale or retail dealers or any other person who shall import such intoxicating liquors into this state, for the purpose of sale or offering the same for sale in this state, shall, before offering the same for sale, cause the same to be inspected and gauged by the supervisor of liquor control, **or his or her designee**. It shall be the duty of the supervisor of liquor control, **or his or her designee**, to inspect and gauge such character of intoxicating liquor referred to in this section and to ascertain whether the same is correctly labeled.

2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control, **or his or her designee**, shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such spirituous liquors product in the state if the supervisor of liquor control, **or his or her designee**, is provided with a copy of a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product.

~~**311.462. INTERSTATE RECIPROCAL WINE SHIPMENTS, ALLOWED WHEN, LIMITATIONS — SOLICITATION PROHIBITED.**~~

~~1. Notwithstanding any other provision of law, a holder of a retailer alcoholic beverage license in this state or a state which affords Missouri licensees an equal reciprocal shipping privilege may ship, for personal use and not for resale, not more than two cases of wine, each case containing not more than nine liters, per year to any adult resident of this state. Delivery of a shipment pursuant to this section shall not be deemed to constitute a sale in this state.~~

~~2. The shipping container of any wine sent into or out of this state under this section shall be clearly labeled to indicate that the package cannot be delivered to a person under the age of twenty-one years or to an intoxicated person.~~

~~3. No broker within this state may solicit consumers to engage in interstate reciprocal wine shipments under this section. No shipper located outside this state may advertise such interstate reciprocal wine shipments in this state.]~~

Approved July 11, 2017

HB 130 [SS#2 SCS HCS HB 130]

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

**Enacts provisions relating to transportation network companies**

AN ACT to repeal sections 67.1809 and 67.1819, RSMo, and to enact in lieu thereof twenty-nine new sections relating to passenger transportation companies, with penalty provisions.

SECTION

- A. Enacting clause.
- 67.1809. Licensure, supervision, and regulation of persons who engage in the business of transporting passengers in commerce.
- 67.1819. Criminal background check policy required.
- 387.400. Definitions.
- 387.402. TNC drivers, what not considered — vehicle registration as for-hire vehicle.
- 387.404. Licensure, requirements.
- 387.406. Service of process, agent required.
- 387.407. Compliance with statutory requirements.
- 387.408. Fare may be charged, required disclosures.
- 387.410. Digital network, picture of driver and license plate number to be displayed.
- 387.412. Electronic receipts, requirements.
- 387.414. TNC drivers to be independent contractors, not employees, when.
- 387.416. Driver not agent of TNC, exception.
- 387.418. Zero-tolerance intoxicating substance policy required — notice — violation, suspension — record keeping.
- 387.419. Motor vehicle insurance, inclusion of TNC as a loss payee.
- 387.420. Registration — criminal background checks — driver disqualifications — other licenses not required.
- 387.422. Compliance with inspection requirements.
- 387.424. Street hails, acceptance of prohibited.
- 387.425. Privacy policy required, contents.
- 387.426. Nondiscrimination policy required — accommodation of service animals — no additional charges for persons with disabilities.
- 387.427. Compliance with state and federal constitutional nondiscrimination provisions.
- 387.428. Customer records.
- 387.430. State preemption on regulation — income and earnings taxes permitted — rules — airports, authorizations and restrictions.
- 387.432. TNCs not employers of drivers, exception.
- 387.433. Inapplicability, when.
- 387.434. Regional taxicab district laws inapplicable to TNCs, drivers, and services.
- 387.436. Revocation of driver's ability to accept requests through digital network, when — confidentiality of information.
- 387.438. License other than Class F not required, when — rulemaking authority.
- 387.439. Prohibited acts — penalty.
- 387.440. Inspection of TNC for compliance, Kansas City and regional taxicab commission, costs — confidentiality of records — fines.

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

**SECTION A. ENACTING CLAUSE.** — Sections 67.1809 and 67.1819, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 67.1809, 67.1819, 387.400, 387.402, 387.404, 387.406, 387.407, 387.408, 387.410, 387.412, 387.414, 387.416,

387.418, 387.419, 387.420, 387.422, 387.424, 387.425, 387.426, 387.427, 387.428, 387.430, 387.432, 387.433, 387.434, 387.436, 387.438, 387.439, and 387.440, to read as follows:

**67.1809. LICENSURE, SUPERVISION, AND REGULATION OF PERSONS WHO ENGAGE IN THE BUSINESS OF TRANSPORTING PASSENGERS IN COMMERCE.** — 1. The regional taxicab commission established under section 67.1804 may license, supervise, and regulate any person who engages in the business of transporting passengers in commerce, wholly within the regional taxicab district established in section 67.1802, in any motor vehicle designed or used to transport not more than eight passengers, including the driver. The powers granted to the regional taxicab commission under this section shall apply to the motor vehicles described in this subsection and to the persons owning or operating those vehicles:

(1) Whether or not the vehicles are equipped with a taximeter or use a taximeter; and

(2) Whether the vehicles are operated by a for-hire motor carrier of passengers or by a private motor carrier of passengers not for hire or compensation.

2. This section shall apply, notwithstanding any provisions of this chapter or of subsection 2 of section 390.126 to the contrary, except that the vehicles described in subsection 1 of this section, and the operators of such vehicles, shall be licensed, supervised, and regulated by the state highways and transportation commission, as provided under section 226.008, instead of the regional taxicab commission, whenever:

(1) Such motor vehicles transport passengers within the district in interstate commerce, and those interstate operations are subject to the powers of the state highways and transportation commission under section 226.008;

(2) Such motor vehicles are operated exclusively by a not-for-profit corporation or governmental entity, whose passenger transportation within the regional taxicab district is subsidized, wholly or in part, with public transit funding provided by the state highways and transportation commission, the Federal Transit Administration, or both;

(3) Such vehicles transport one or more passengers on the public highways in a continuous journey from a place of origin within the regional taxicab district to a destination outside the district, or from a place of origin outside the district to a destination within the district, either with or without a return trip to the point of origin. Such continuous transportation of passengers between points within and without the district is subject to regulation by the state highways and transportation commission, even if the journey includes temporary stops at one or more intermediate destinations within the boundaries of the district.

3. The provisions of subdivision (3) of subsection 2 of this section shall not limit the powers of the regional taxicab commission under this section to license, supervise, and regulate the transportation of any passenger whose journey by motor vehicle takes place wholly within the regional taxicab district, even if transported on the same vehicle with other passengers whose transportation, both within and without the boundaries of the district, is subject to the exclusive powers of the state highways and transportation commission. A motor carrier or driver who transports passengers subject to the powers of the regional taxicab commission, under subsection 1 of this section, on the same vehicle with passengers whose transportation is subject to the powers of the state highways and transportation commission, under subsection 2 of this section, shall comply with all applicable requirements of the regional taxicab commission and with all applicable requirements of the state highways and transportation commission.

4. No provision within this chapter shall be interpreted or construed as limiting the powers of the state highways and transportation commission and its enforcement personnel, the state highway patrol and its officers and personnel, or any other law enforcement officers or peace officers to enforce any safety requirements or hazardous materials regulations made applicable by law to the motor vehicles, drivers, or persons that own or operate any motor vehicles described in this section.

5. Every individual person, partnership, or corporation subject to licensing, regulation, and supervision by the regional taxicab commission under this section, with reference to any

transportation of passengers by a motor vehicle previously authorized by a certificate or permit issued by the state highways and transportation commission under section 390.051 or 390.061, which certificate or permit was in active status and not suspended or revoked on August 27, 2005, according to the records of the state highways and transportation commission, is hereby deemed to be licensed, permitted, and authorized by the regional taxicab commission, and the vehicles and drivers used by such motor carriers are hereby deemed to be licensed, permitted, and authorized by the regional taxicab commission to operate and engage in the transportation of passengers within the regional taxicab district, to the same extent as they formerly were licensed, permitted, and authorized by the highways and transportation commission on August 27, 2005. Such motor carriers, drivers, and vehicles shall be exempted from applying for any license, certificate, permit, or other credential issued or required by the regional taxicab commission under sections 67.1800 to 67.1822, except that the regional taxicab commission may, after December 31, 2005, require such motor carriers and drivers to apply and pay the regular fees for annual renewals of such licenses, permits, certificates, or other credentials under uniform requirements applicable to all motor carriers, vehicles, and drivers operating within the regional taxicab district.

**6. Nothing in sections 67.1800 to 67.1822 shall be construed as granting the regional taxicab commission the authority to license, supervise, or regulate medical transportation.**

**67.1819. CRIMINAL BACKGROUND CHECK POLICY REQUIRED.** — [~~1. The commission with the passage of a taxicab code shall request a Missouri criminal record review for a prospective or current driver from the central repository by furnishing information on forms and in the manner approved by the highway patrol.~~

~~— 2. The prospective or current driver shall submit two sets of fingerprints to the Missouri state highway patrol, Missouri criminal records repository, 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 shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files.~~

~~— 3. The prospective or current driver shall pay the appropriate fee to the state central repository payable to the criminal record system fund and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when applying for or renewing a license.~~

~~— 4. Any criminal history information received by the commission pursuant to the provisions of this section shall be used solely for the internal purposes of the commission in determining the suitability of the prospective or current driver. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.]~~  
**Notwithstanding any other provision of law, the commission shall establish in the taxicab code promulgated pursuant to section 67.1812 a criminal background check policy that applies to each prospective and current driver.**

**387.400. DEFINITIONS.** — As used in sections 387.400 to 387.440 the following terms mean:

- (1) "Department", the Missouri department of revenue;
- (2) "Digital network", any online-enabled technology application, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers;
- (3) "Prearranged ride", the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the TNC driver transports a requesting rider, and ending when the last requesting rider departs from the TNC vehicle. A prearranged ride shall not include:

(a) Transportation provided using a taxi, limousine, or other for-hire vehicle under chapter 390; or

(b) A shared expense carpool or vanpool arrangement or service;

(4) "Transportation network company" or "TNC", a corporation, partnership, sole proprietorship, or other entity that is licensed pursuant to sections 387.400 to 387.440 and operating in the state of Missouri, that uses a digital network to connect TNC riders to TNC drivers who provide prearranged rides. A TNC shall not be deemed to own, control, direct, operate, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract;

(5) "Transportation network company (TNC) driver" or "driver", an individual who:

(a) Receives connections to potential riders from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) Uses a TNC 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;

(6) "Transportation network company (TNC) rider" or "rider", an individual or persons who use a TNC's digital network to connect with a TNC driver who provides prearranged rides to the rider in the TNC driver's TNC vehicle between points chosen by the rider;

(7) "Transportation network company (TNC) vehicle" or "TNC vehicle", a vehicle that is used by a transportation network company driver and is:

(a) Owned, leased, or otherwise authorized for use by the TNC driver; and

(b) Not a taxicab, limousine, or for-hire vehicle under chapter 390.

**387.402. TNC DRIVERS, WHAT NOT CONSIDERED — VEHICLE REGISTRATION AS FOR-HIRE VEHICLE.** — Notwithstanding any other provision of law, TNCs and TNC drivers shall not be considered common carriers, contract carriers, or motor carriers, as defined in section 390.020, a taxicab, as defined in section 390.020, a taxicab service or association, or a for-hire vehicle service. A TNC driver shall not be required to register the vehicle such driver uses to provide prearranged rides as a commercial or for-hire vehicle.

**387.404. LICENSURE, REQUIREMENTS.** — 1. Beginning on August 28, 2017, a person shall not operate a TNC in the state of Missouri without first having obtained a license from the department.

2. The department shall issue a license to each applicant who:

(1) Meets the requirements for a TNC set forth in sections 387.400 to 387.440; and

(2) Pays an annual license fee of five thousand dollars to the department. This annual fee shall cover all transportation network company drivers affiliated with the transportation network company, and no per driver or per vehicle fee shall be assessed.

**387.406. SERVICE OF PROCESS, AGENT REQUIRED.** — A TNC shall maintain an agent for service of process in the state of Missouri.

**387.407. COMPLIANCE WITH STATUTORY REQUIREMENTS.** — TNCs and TNC drivers shall comply with the provisions of sections 379.1700 to 379.1708.

**387.408. FARE MAY BE CHARGED, REQUIRED DISCLOSURES.** — On behalf of a TNC driver, a TNC may charge a fare for the services provided to riders; provided that, if a fare is collected from a rider, the TNC shall disclose to the rider the fare, or fare structure on its website or on its digital network. If the fare is based on actual time and distance traveled, the TNC on its website shall also provide riders with the applicable time and



distance rates being charged and the option to receive an estimated fare before the rider enters the TNC vehicle.

**387.410. DIGITAL NETWORK, PICTURE OF DRIVER AND LICENSE PLATE NUMBER TO BE DISPLAYED.** — The TNC's digital network shall display a picture of the TNC driver and the license plate number of the motor vehicle utilized for providing the prearranged ride before the rider enters the TNC driver's vehicle.

**387.412. ELECTRONIC RECEIPTS, REQUIREMENTS.** — Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the TNC rider on behalf of the TNC driver that lists:

- (1) The origin and destination of the trip;
- (2) The total time and distance of the trip, if the fare is based on actual time and distance traveled; and
- (3) The total fare paid, if any.

**387.414. TNC DRIVERS TO BE INDEPENDENT CONTRACTORS, NOT EMPLOYEES, WHEN.** — Except as provided in section 387.433, all TNC drivers shall be independent contractors and not employees of the TNC if all of the following conditions are met:

- (1) The TNC does not prescribe specific hours during which a TNC driver must be logged into the TNC's digital network;
- (2) The TNC imposes no restrictions on the TNC driver's ability to utilize digital networks from other TNCs;
- (3) The TNC does not restrict a TNC driver from engaging in any other occupation or business; and
- (4) The TNC and TNC driver agree in writing that the driver is an independent contractor with respect to the TNC.

**387.416. DRIVER NOT AGENT OF TNC, EXCEPTION.** — Except when agreed to by written contract, a transportation network company driver is not an agent of a transportation network company.

**387.418. ZERO-TOLERANCE INTOXICATING SUBSTANCE POLICY REQUIRED — NOTICE — VIOLATION, SUSPENSION — RECORD KEEPING.** — 1. A transportation network company shall implement a zero tolerance intoxicating substance policy for transportation network company drivers that disallows any amount of intoxication of the transportation network company driver while providing transportation network services. The TNC shall provide notice of the zero tolerance policy on its website, as well as procedures to report a complaint about a driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

2. Upon receipt of such rider complaint alleging a violation of the zero tolerance policy, the TNC shall suspend such TNC driver's ability to accept trip requests through the TNC's digital network as soon as possible, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

3. The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two years from the date that a rider complaint is received by the TNC.

**387.419. MOTOR VEHICLE INSURANCE, INCLUSION OF TNC AS A LOSS PAYEE.** — A TNC shall, prior to providing a TNC driver with access to the TNC's digital network, notify such driver that he or she may have a contractual obligation to include the TNC as

a loss payee on the driver's motor vehicle insurance policy required to be carried under chapter 303. The TNC driver, once notified, shall take any steps necessary to satisfy the requirements of such driver's insurance contract.

**387.420. REGISTRATION — CRIMINAL BACKGROUND CHECKS — DRIVER DISQUALIFICATIONS — OTHER LICENSES NOT REQUIRED. — 1. Before allowing an individual to accept trip requests through a TNC's digital network, the TNC shall:**

(1) Require the individual to register with the TNC by submitting information regarding his or her address, age, driver's license, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(a) Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation, also known as a primary source search; and

(b) United States Department of Justice National Sex Offender public website; and

(c) Obtain and review, or have a third party obtain and review, a driving history research report for such individual.

2. The TNC shall not permit an individual to act as a TNC driver on its digital network who:

(a) Has had more than three moving violations in the prior three-year period, or one violation in the prior three-year period resulting in assessment of six or more points pursuant to section 302.302, including, but not limited to driving on a suspended or revoked license;

(b) Has been convicted, within the past five years, of a first violation of section 577.010 or 577.012, a violation of section 304.012, or resisting or interfering with arrest where the conviction results in a class A misdemeanor;

(c) Has been convicted, within the past seven years, of a second or subsequent violation of section 577.010 or 577.012, fraud, a sexual offense, resisting or interfering with arrest where the conviction results in a class E felony, use of a motor vehicle to commit a felony, an offense involving property damage, theft, an act of violence, or an act of terror;

(d) Is a match in the United States Department of Justice National Sex Offender public website;

(e) Does not possess a valid driver's license;

(f) Does not possess proof of registration for the motor vehicle or vehicles used to provide prearranged rides;

(g) Does not possess proof of automobile liability insurance for the motor vehicle or vehicles used to provide prearranged rides; or

(h) Is not at least nineteen years of age.

3. A TNC driver who is qualified to accept trip requests through a TNC's digital network pursuant to this section shall not be required to obtain any other state or local license or permit to provide prearranged rides.

**387.422. COMPLIANCE WITH INSPECTION REQUIREMENTS. — A TNC shall not allow a TNC driver to accept trip requests through the TNC's digital network unless any motor vehicle or vehicles that a TNC driver will use to provide prearranged rides meets the inspection requirements of section 307.350.**

**387.424. STREET HAILS, ACCEPTANCE OF PROHIBITED. — A TNC driver shall not solicit or accept street hails.**

**387.425. PRIVACY POLICY REQUIRED, CONTENTS. — All TNCs shall adopt a privacy policy to protect the personal identifying information of TNC riders. The privacy policy shall:**

- (1) Include provisions regarding the disclosure of personal identifying information learned through a complaint or during the course of an investigation;
- (2) Be consistent with all applicable state and federal laws; and
- (3) Be submitted to the department as part of the application for a license.

**387.426. NONDISCRIMINATION POLICY REQUIRED — ACCOMMODATION OF SERVICE ANIMALS — NO ADDITIONAL CHARGES FOR PERSONS WITH DISABILITIES. — 1.** A TNC shall adopt a policy of nondiscrimination with respect to riders and potential riders and notify TNC drivers of such policy.

2. TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders.

3. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

4. A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

**387.427. COMPLIANCE WITH STATE AND FEDERAL CONSTITUTIONAL NONDISCRIMINATION PROVISIONS. —** No TNC may discriminate against a TNC driver in a way prohibited by the Missouri Constitution or the Constitution of the United States.

**387.428. CUSTOMER RECORDS. —** A TNC shall maintain the following customer records:

(1) Individual trip records of riders for at least one year from the date each trip was provided; and

(2) Individual records of TNC drivers at least until the one year anniversary of the date on which a TNC driver's relationship with the TNC has ended.

**387.430. STATE PREEMPTION ON REGULATION — INCOME AND EARNINGS TAXES PERMITTED — RULES — AIRPORTS, AUTHORIZATIONS AND RESTRICTIONS. — 1.** Notwithstanding any other provision of law, TNCs and TNC drivers are governed exclusively by sections 387.400 to 387.440 and any rules promulgated by the department consistent with sections 387.400 to 387.440. No municipality or other local or state entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used by a TNC driver where such tax or license relates to providing prearranged rides, or subject a TNC to the municipality or other local or state entity's rate, entry, operational, or other requirements. Upon the enactment of this section, any municipality or other local entity's ordinance or policy that is inconsistent with sections 387.400 to 387.440 shall be void and shall have no force or effect.

2. Nothing in this section shall prohibit an income tax imposed by the state or an earnings tax.

3. The department of revenue may promulgate all necessary rules and regulations for the administration of sections 387.400 to 387.440. 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 387.400 to 387.440 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 387.400 to 387.440 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, 2017, shall be invalid and void.

4. (1) Subject to subdivision (2) of this subsection, nothing in sections 387.400 to 387.440 shall restrict or limit an airport from:

(a) Charging reasonable fees for the use of the airport or its facilities, provided that the fee is not assessed on a per-passenger basis. Nothing in this section shall prohibit an airport from charging reasonable pickup or dropoff fees; or

(b) Establishing operating procedures regarding staging, the dropping-off or picking-up of passengers at the airport, or use of airport facilities.

(2) An airport shall not impose any regulatory or licensing requirement that is additional to or inconsistent with the requirements described in sections 387.400 to 387.440, including requirements for background checks or trade dress. A TNC shall enter into an agreement with, or otherwise obtain authorization from, an airport prior to allowing TNC drivers to pick up passengers at the airport.

**387.432. TNCs NOT EMPLOYERS OF DRIVERS, EXCEPTION.** — Except as described in section 387.433, transportation network companies shall not be considered employers of transportation network company drivers for purposes of chapters 285, 287, 288, and 290, except when agreed to by written contract. If the parties agree to the applicability of one or more of such chapters in a written contract, the transportation network company shall notify the appropriate agency of the election to cover the driver. If the parties subsequently change this election, the transportation network company shall notify the appropriate agency of the change.

**387.433. INAPPLICABILITY, WHEN.** — The provisions of sections 387.414 and 387.432 shall not apply to entities described in section 501(c)(3) of the Internal Revenue Code, state or local government entities, or federally recognized Indian tribes.

**387.434. REGIONAL TAXICAB DISTRICT LAWS INAPPLICABLE TO TNCs, DRIVERS, AND SERVICES.** — Notwithstanding any other provision of law, sections 67.1800 to 67.1822 shall not apply to transportation network companies, transportation network drivers, or transportation network services.

**387.436. REVOCATION OF DRIVER'S ABILITY TO ACCEPT REQUESTS THROUGH DIGITAL NETWORK, WHEN — CONFIDENTIALITY OF INFORMATION.** — 1. Upon receipt of information that a TNC driver has been convicted of a violation of section 577.010 or 577.012, fraud, a sexual offense, use of a motor vehicle to commit a felony, an offense involving property damage, theft, an act of violence, or an act of terror, or no longer maintains the minimum motor vehicle financial responsibility required to be carried under chapter 303, a TNC shall immediately revoke such driver's ability to accept trip requests through the TNC's digital platform, and as soon as practicable, notify the department of the TNC driver's name, license number, and license plate number.

2. Upon receipt of information that a TNC driver has been involved in a traffic accident or incident that results in serious bodily injury or a fatality, a TNC shall notify the department of the driver's name, license number, and license plate number.

3. The department shall develop and implement a process to provide any information received under subsections 1 and 2 of this section to all other TNCs licensed in this state.

4. Notwithstanding any other provision of law, any information provided to the department under this section shall be exempt from disclosure under chapter 610.

**387.438. LICENSE OTHER THAN CLASS F NOT REQUIRED, WHEN — RULEMAKING AUTHORITY.** — 1. Notwithstanding any other provision of law, the department shall not require an individual who uses a motor vehicle with a gross vehicle weight that is less than or equal to twelve thousand pounds for the purpose of providing transportation services as a TNC driver or taxicab driver, or for the purpose of providing food delivery services, as defined in subsection 2 of this section, to obtain any license other than a class F license, as described in Missouri code of state regulations section 10-24.200(6).

2. As used in this section, "food delivery services" shall mean the delivery of prepared food, as defined in section 192.081, by an individual, including a fast food restaurant, delicatessen, or other facility that is engaged in the selling of food for consumption off the premises of the facility.

3. The department shall promulgate or amend any regulations of the department necessary to implement this section as soon as practicable after the effective date of this section.

**387.439. PROHIBITED ACTS — PENALTY. — 1. (1)** A TNC shall not deny or manipulate access to its digital network or engage in any deceptive, manipulative, or coordinated practice to evade a law enforcement entity, including by canceling a ride request by a rider or prospective rider relating to association with a law enforcement entity.

(2) A first violation of this subsection shall be punishable by a fine of fifty thousand dollars. A second violation of this subsection shall be punishable by a fine of one hundred fifty thousand dollars. A third or subsequent violation of this subsection shall be punishable by a fine of three hundred thousand dollars.

2. A TNC shall not produce or operate, or allow to be produced or operated, any digital network or similar technology that falsely displays the number of TNC vehicles available to provide prearranged rides for the purpose of misleading riders or potential riders about the number of TNC vehicles available to provide such rides.

3. A TNC shall not use geographic location or geolocation data of a rider or prospective rider for the purpose of excluding certain areas on the basis of the income, racial, or ethnic composition of such area.

4. A violation of this section shall be punishable by a one month suspension of the TNC's license.

**387.440. INSPECTION OF TNC FOR COMPLIANCE, KANSAS CITY AND REGIONAL TAXICAB COMMISSION, COSTS — CONFIDENTIALITY OF RECORDS — FINES. — 1.** For the sole purpose of verifying that a TNC is in compliance with the requirements of sections 387.400 to 387.440, and no more than twice per calendar year, any home rule city with more than four hundred thousand inhabitants and located in more than one county, and the regional taxicab commission established pursuant to section 67.1804, shall have the right to inspect a sample of up to ten records that the TNC is required to maintain. The sample shall be chosen from an anonymous list provided by the TNC to an appropriately designated municipal official or to the executive director of the regional taxicab commission, as applicable, and in a manner agreeable to both parties. After selecting the sample of ten unique records from the anonymous list, the TNC shall provide sufficient identifying account details so that the municipal official or executive director can conduct an audit to determine the TNC's compliance with existing regulations. The audit shall take place at a mutually agreed location in Missouri.

2. Any home rule city with more than four hundred thousand inhabitants and located in more than one county, and the regional taxicab commission, may charge each TNC up to five thousand dollars per year to cover the costs incurred for the review of the records. The amount collected shall not exceed the costs of compliance.

3. In response to a specific complaint alleging criminal allegations against any TNC driver or TNC, any home rule city with more than four hundred thousand inhabitants and located in more than one county, and the regional taxicab commission, is authorized to inspect records held by the TNC that are necessary to investigate and resolve the specific complaint. The TNC and the investigative agency shall endeavor to have the inspection take place at a mutually agreed location in Missouri. Any records furnished may exclude information that would identify specific drivers or riders, unless the identity of a driver or rider is relevant to the complaint.

4. Any records inspected under this section are designated confidential, are not subject to disclosure to a third party without prior written consent of the TNC, and are exempt from disclosure under chapter 610. Nothing in this section shall be construed as limiting the applicability of any other exemptions under chapter 610.

5. Any home rule city with more than four hundred thousand inhabitants and located in more than one county, and the regional taxicab commission, may fine a TNC up to five hundred dollars per violation discovered during this audit for failure to comply with the applicable provisions of sections 387.400 to 387.440. Each TNC shall remit payment of any fine to the department, which shall also have jurisdiction over appeals of such fines. Nothing in this provision shall limit the rights of TNCs to seek redress in a court of law.

Approved April 24, 2017

HB 151 [SS#2 HCS HB 151]

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

**Requires the department of revenue to issue REAL ID compliant driver's licenses unless the applicant requests a license that is not compliant with the REAL ID Act**

AN ACT to repeal sections 302.065, 302.183, 302.185, 302.188, and 302.189, RSMo, and to enact in lieu thereof four new sections relating to forms of identification, with penalty provisions.

SECTION

- A. Enacting clause.
- 302.170. Federal REAL ID Act, compliance with — definitions — retention of documents — inapplicability, when — issuance of compliant licenses and ID cards, procedure — biometric data restrictions — privacy — violations, civil damages and criminal penalties — data retention — expiration date.
- 302.185. Duplicate license, REAL ID compliant license — how obtained — fee.
- 302.188. Veteran designation on driver's licensed or ID card, requirements — rulemaking authority.
1. Photo identification for election purpose, nondriver identification card not compliant with federal REAL ID Act to be issued.
- 302.065. Retention of copies of documents prohibited, when — destruction of certain source documents required — inapplicability — civil action authorized, when.
- 302.183. Proof of residency, issuance or renewal of license, privacy rights not to be violated, confidentiality of data.
- 302.189. Biometric data, prohibitions — definition.

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

**SECTION A. ENACTING CLAUSE.** — Sections 302.065, 302.183, 302.185, 302.188, and 302.189, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 302.170, 302.185, 302.188, and 1, to read as follows:

**302.170. FEDERAL REAL ID ACT, COMPLIANCE WITH — DEFINITIONS — RETENTION OF DOCUMENTS — INAPPLICABILITY, WHEN — ISSUANCE OF COMPLIANT LICENSES AND ID CARDS, PROCEDURE — BIOMETRIC DATA RESTRICTIONS — PRIVACY — VIOLATIONS, CIVIL DAMAGES AND CRIMINAL PENALTIES — DATA RETENTION — EXPIRATION DATE. — 1. As used in this section the following terms shall mean:**

- (1) "Biometric data", shall include, but not be limited to, the following:
- (a) Facial feature pattern characteristics;

(b) Voice data used for comparing live speech with a previously created speech model of a person's voice;

(c) Iris recognition data containing color or texture patterns or codes;

(d) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(e) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of biometric information, including shape and length of fingertips, or recording ridge pattern or fingertip characteristics;

(f) Eye spacing;

(g) Characteristic gait or walk;

(h) DNA;

(i) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving devices;

(2) "Commercial purposes", shall not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the federal Drivers Privacy Protection Act;

(3) "Source documents", original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver's license or nondriver's license. "Source documents" shall also include any documents required for the issuance of driver's licenses or nondriver's licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

2. Except as provided in subsection 3 of this section and as required to carry out the provisions of subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses or use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format. Documents retained as provided or required by subsections 3 and 4 of this section shall be stored solely on a system not connected to the internet nor to a wide area network that connects to the internet. Once stored on such system, the documents and data shall be purged from any systems on which they were previously stored so as to make them irretrievable.

3. The provisions of this section shall not apply to:

(1) Original application forms, which may be retained but not scanned except as provided in this section;

(2) Test score documents issued by state highway patrol driver examiners;

(3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States;

(4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit; and

(5) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver's license, nondriver's license, or instruction permit.

4. (1) To the extent not prohibited under subsection 13 of this section, the department of revenue shall amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such Act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless such action conflicts with Missouri law.

(2) The department of revenue shall issue driver's licenses or identification cards that are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's licenses or identification cards unless an applicant requests a driver's license or identification card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as required to carry out the provisions of this subsection, the department of revenue shall not retain the source documents of individuals applying for driver's licenses or identification cards not compliant with REAL ID. Upon initial application for a driver's license or identification card, the department shall inform applicants of the option of being issued a REAL ID compliant driver's license or identification card or a driver's license or identification card that is not compliant with REAL ID. The department shall inform all applicants:

(a) With regard to the REAL ID compliant driver's license or identification card:

a. Such card is valid for official state purposes and for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Electronic copies of source documents will be retained by the department and destroyed after the minimum time required for retention by the federal REAL ID Act of 2005, as amended;

c. The facial image capture will only be retained by the department if the application is finished and submitted to the department; and

d. Any other information the department deems necessary to inform the applicant about the REAL ID compliant driver's license or identification card under the federal REAL ID Act;

(b) With regard to a driver's license or identification card that is not compliant with the federal REAL ID Act:

a. Such card is valid for official state purposes, but it is not valid for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Source documents will be verified but no copies of such documents will be retained by the department unless permitted under subsection 3 of this section, except as necessary to process a request by a license or card holder or applicant;

c. Any other information the department deems necessary to inform the applicant about the driver's license or identification card.

5. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants. This subsection shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's licenses or to biometric data collected from employees of the department of revenue, employees of the office of administration who provide information technology support to the department of revenue, contracted license offices, and contracted manufacturers engaged in the production, processing, or manufacture of driver's licenses or identification cards in positions which require a background check in order to be compliant with the federal REAL ID Act or any rules or regulations promulgated under the authority of such Act. Except as otherwise provided by law, applicants' source documents and social security numbers shall not be stored in any database accessible by any other state or the federal government. Such database shall contain only the data fields included on driver's licenses and nondriver identification cards compliant with the federal REAL ID Act, and the driving records of the individuals holding such driver's licenses and nondriver identification cards.

6. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not



have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

7. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091, or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records except as provided in this section.

8. Other than to process a request by a license or card holder or applicant, no person shall access, distribute, or allow access to or distribution of any written, digital, or electronic data collected or retained under this section without the express permission of the applicant or a court order, except that such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309. A first violation of this subsection shall be a class A misdemeanor. A second violation of this subsection shall be a class E felony. A third or subsequent violation of this subsection shall be a class D felony.

9. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.

10. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

11. Biometric data, digital images, source documents, and licensee signatures, or any copies of the same, required to be collected or retained to comply with the requirements of the federal REAL ID Act of 2005 shall be retained for no longer than the minimum duration required to maintain compliance, and immediately thereafter shall be securely destroyed so as to make them irretrievable.

12. No agency, department, or official of this state or of any political subdivision thereof shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID compliant driver's license or identification card issued by a state, nor use the same to uniquely identify any individual.

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13. Notwithstanding any provision of law to the contrary, the department of revenue shall not amend procedures for applying for a driver's license or identification card, nor promulgate any rule or regulation, for purposes of complying with modifications made to the federal REAL ID Act of 2005 after August 28, 2017, imposing additional requirements on applications, document retention, or issuance of compliant licenses or cards, including any rules or regulations promulgated under the authority granted under the federal REAL ID Act of 2005, as amended, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance thereof.

14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's licenses and identification cards issued by this state that are not compliant with the federal REAL ID Act of 2005 are once again sufficient for federal identification purposes, the department shall not issue a driver's license or identification card that complies with the federal REAL ID Act of 2005 and shall securely destroy, within thirty days, any source documents retained by the department for the purpose of compliance with such act.

15. The provisions of this section shall expire five years after the effective date of this section.

**302.185. DUPLICATE LICENSE, REAL ID COMPLIANT LICENSE —HOW OBTAINED — FEE.** — In the event that a license issued under sections 302.010 to 302.780 shall be lost or destroyed or when a veteran seeks a veteran designation under section 302.188 prior to the expiration of a license or when a person who has a license or identification card issued prior to the effective date of this act applies for a REAL ID compliant driver's license or identification card because noncompliant driver's licenses or identification cards issued by this state are no longer accepted as sufficient identification for domestic air travel, but not where a license has been suspended, taken up, revoked, disqualified, or deposited in lieu of bail, hereinafter provided, the person to whom the license as was issued may obtain a duplicate license upon furnishing proper identification and satisfactory proof to the director or his authorized license agents that the license has been lost or destroyed, and upon payment of a fee of fifteen dollars for a duplicate license if the person transports persons or property as classified in section 302.015, and a fee of seven dollars and fifty cents for all other duplicate classifications of license. **The department of revenue shall not collect a duplicate license fee for issuance of a REAL ID compliant driver's license or identification card to a person not previously issued a REAL ID compliant driver's license or identification card.**

**302.188. VETERAN DESIGNATION ON DRIVER'S LICENSED OR ID CARD, REQUIREMENTS —RULEMAKING AUTHORITY.** — 1. A person may apply to the department of revenue to obtain a veteran designation on a driver's license or identification card issued under this chapter by providing:

(1) A United States Department of Defense discharge document, otherwise known as a DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the Armed Forces of the United States; or

(2) A United States Uniformed Services Identification Card, otherwise known as a DD Form 2, that includes a discharge status of "retired" or "reserve retired" establishing the person's service in the Armed Forces of the United States; ~~and~~ or

(3) A United States Department of Veterans Affairs photo identification card; or

(4) A discharge document WD AGO 53, WD AGO 55, WD AGO 53-55, NAVPERS 553, NAVMC 78 PD, NAVCG 553, or DD 215 form that shows a discharge status of "honorable" or "general under honorable conditions"; and

(5) Payment of the fee for the driver's license or identification card authorized under this chapter.

2. If the person is seeking a duplicate driver's license with the veteran designation and his or her driver's license has not expired, the fee shall be as provided under section 302.185.

3. The department of revenue may determine the appropriate placement of the veteran designation on the driver's licenses and identification cards authorized under this section and may promulgate the necessary rules for administration of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

**SECTION 1. PHOTO IDENTIFICATION FOR ELECTION PURPOSE, NONDRIVER IDENTIFICATION CARD NOT COMPLIANT WITH FEDERAL REAL ID ACT TO BE ISSUED. — In the event the state is required to provide a citizen with photo identification acceptable for election purposes, such identification shall be a nondriver identification card that is not compliant with the federal REAL ID Act of 2005.**

~~302.065. RETENTION OF COPIES OF DOCUMENTS PROHIBITED, WHEN DESTRUCTION OF CERTAIN SOURCE DOCUMENTS REQUIRED — INAPPLICABILITY — CIVIL ACTION AUTHORIZED, WHEN. — 1. Notwithstanding section 32.090 or any other provision of the law to the contrary, and except as provided in subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses. The department of revenue shall not use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format.~~

~~2. By December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable any source documents that have been obtained from driver's license or nondriver's license applicants after September 1, 2012.~~

~~3. As long as the department of revenue has the authority to issue a concealed carry endorsement, the department shall not retain copies of any certificate of qualification for a concealed carry endorsement presented to the department for an endorsement on a driver's license or nondriver's license under section 571.101. The department of revenue shall not use technology to capture digital images of a certificate of qualification nor shall the department retain digital or electronic images of such certificates. The department of revenue shall merely verify whether the applicant for a driver's license or nondriver's license has presented a certificate of qualification which will allow the applicant to obtain a concealed carry endorsement. By December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable any copies of certificates of qualification that have been obtained from driver's license or nondriver's license applicants.~~

~~4. The provisions of this section shall not apply to:~~

- ~~(1) Original application forms, which may be retained but not scanned;~~
- ~~(2) Test score documents issued by state highway patrol driver examiners;~~
- ~~(3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States; and~~
- ~~(4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit; and~~

—(5) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver's license, nondriver's license, or instruction permit.

— 5. As used in this section, the term "source documents" means original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver's license or nondriver's license. Source documents shall also include any documents required for the issuance of driver's licenses or nondriver's licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

— 6. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.]

**[302.183. PROOF OF RESIDENCY, ISSUANCE OR RENEWAL OF LICENSE, PRIVACY RIGHTS NOT TO BE VIOLATED, CONFIDENTIALITY OF DATA. — 1.** Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of residence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

— 2. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records. For purposes of this subsection, "commercial purposes" does not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under the Missouri or federal Drivers Privacy Protection Act.

— 3. The department of revenue shall not amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the act.

— 4. Any biometric data previously collected, obtained, or retained in connection with motor vehicle registration or operation, the issuance or renewal of driver's licenses, or the issuance or renewal of any identification cards by any department or agency of the state charged with those activities shall be retrieved and deleted from all databases. For purposes of this section, "biometric data" includes, but is not limited to:

- (1) Facial feature pattern characteristics;
- (2) Voice data used for comparing live speech with a previously created speech model of a person's voice;
- (3) Iris recognition data containing color or texture patterns or codes;

- ~~— (4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;~~
  - ~~— (5) Fingerprint, palm prints, hand geometry, measuring of any and all characteristics of biometric information, including shape and length of fingertips or recording ridge pattern or fingertip characteristics;~~
  - ~~— (6) Eye spacing;~~
  - ~~— (7) Characteristic gait or walk;~~
  - ~~— (8) DNA;~~
  - ~~— (9) Keystroke dynamics, measuring pressure applied to key pads or other digital receiving devices.~~
- ~~— 5. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect.]~~

~~**[302.189. BIOMETRIC DATA, PROHIBITIONS — DEFINITION. — 1. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants for whatever purpose. This section shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's license pursuant to section 302.181. — 2. As used in this section, the term "biometric data" or "biometric technology" includes, but is not limited to:**~~

- ~~— (1) Facial feature pattern characteristics;~~
- ~~— (2) Voice data used for comparing live speech with a previously created speech model of a person's voice;~~
- ~~— (3) Iris recognition data containing color or texture patterns or codes;~~
- ~~— (4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;~~
- ~~— (5) Fingerprints, palm prints, hand geometry, measuring of any and all characteristics of biometric information, including shape and length of fingertips or recording ridge pattern or fingertip characteristics;~~
- ~~— (6) Eye spacing;~~
- ~~— (7) Characteristic gait or walk;~~
- ~~— (8) DNA; or~~
- ~~— (9) Keystroke dynamics, measuring pressure applied to key pads or other digital receiving devices.]~~

Approved June 12, 2017

HB 153 [HB 153]

**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 expert witnesses**

AN ACT to repeal section 490.065, RSMo, and to enact in lieu thereof one new section relating to expert witnesses.

## SECTION

A. Enacting clause.

490.065. Expert witness, opinion testimony admissible, requirements for certain actions.

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

**SECTION A. ENACTING CLAUSE.** — Section 490.065, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 490.065, to read as follows:

**490.065. EXPERT WITNESS, OPINION TESTIMONY ADMISSIBLE, REQUIREMENTS FOR CERTAIN ACTIONS.** — 1. ~~[In any civil action,]~~ **In actions brought under chapter 451, 452, 453, 454, or 455 or in actions adjudicated in juvenile courts under chapter 211 or in family courts under chapter 487, or in all proceedings before the probate division of the circuit court, or in all actions or proceedings in which there is no right to a jury trial:**

(1) If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise[-];

~~[2:]~~ (2) Testimony by such an expert witness in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact[-];

~~[3:]~~ (3) The facts or data in a particular case upon which an expert bases an opinion or inference may be those perceived by or made known to him at or before the hearing and must be of a type reasonably relied upon by experts in the field in forming opinions or inferences upon the subject and must be otherwise reasonably reliable[-];

~~[4:]~~ (4) If a reasonable foundation is laid, an expert may testify in terms of opinion or inference and give the reasons therefor without the use of hypothetical questions, unless the court believes the use of a hypothetical question will make the expert's opinion more understandable or of greater assistance to the jury due to the particular facts of the case.

**2. In all actions except those to which subsection 1 of this section applies:**

(1) A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

(a) The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;

(b) The testimony is based on sufficient facts or data;

(c) The testimony is the product of reliable principles and methods; and

(d) The expert has reliably applied the principles and methods to the facts of the case;

(2) An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect;

(3) (a) An opinion is not objectionable just because it embraces an ultimate issue;

(b) In a criminal case, an expert witness shall not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone;

(4) Unless the court orders otherwise, an expert may state an opinion and give the reasons for it without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

**3. The provisions of this section shall not prevent a person, partnership, association, or corporation, as owner, from testifying as to the reasonable market value of the owner's land.**

Approved March 28, 2017

HB 190 [HCS HBs 190 & 208]

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

**Allows community college police officers to establish regulations to control vehicular traffic on any thoroughfare owned or maintained by the college**

AN ACT to repeal sections 174.709, 174.712, and 178.862, RSMo, and to enact in lieu thereof three new sections relating to community college police officers.

SECTION

- A. Enacting clause.
- 174.709. Vehicular traffic, control of, governing body may regulate — codification — violations, penalty.
- 174.712. Motor vehicles on campus subject to general motor vehicle laws of Missouri.
- 178.862. Community college district police — oath, powers, qualifications.

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

**SECTION A. ENACTING CLAUSE.** — Sections 174.709, 174.712, and 178.862, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 174.709, 174.712, and 178.862, to read as follows:

**174.709. VEHICULAR TRAFFIC, CONTROL OF, GOVERNING BODY MAY REGULATE — CODIFICATION — VIOLATIONS, PENALTY.** — 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university **or the board of trustees of any community college district** may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university **or community college district** and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university **or community college** shall have the authority to place official traffic control signals, as defined in section 300.010, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university **or board of trustees of any community college district** under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, with penalty provisions as provided in section 304.570. Points assessed against any person under section 302.302 for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

**174.712. MOTOR VEHICLES ON CAMPUS SUBJECT TO GENERAL MOTOR VEHICLE LAWS OF MISSOURI.** — All motor vehicles operated upon any thoroughfare owned or maintained by a state college or university **or community college district** and located within any of its

campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.

**178.862. COMMUNITY COLLEGE DISTRICT POLICE — OATH, POWERS, QUALIFICATIONS.**

— 1. The trustees of any community college district of this state may appoint and employ as many college police officers as they may deem necessary to protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which they have charge or control.

2. The college police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the college district board of trustees, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board of trustees, which certificate shall empower him with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers; the college police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board of trustees or others under the authority of the board. Such officer or employee of the community college as may be designated by the board of trustees shall have immediate charge, control and supervision of college police officers appointed by authority of this section. Such college police officers shall have satisfactorily completed before appointment[; or within six months after appointment,] a training course for [college police] **peace** officers [which shall consist of at least three hundred twenty hours as prescribed by the superintendent of the Missouri state highway patrol. The community college district shall reimburse all such college police officers appointed by them who complete the training course for all reasonable and necessary expenses incurred in taking the training course, and shall reimburse the highway patrol for any expenses directly relating to the prescribed or holding of a training course which are recommended by the patrol] **as required under chapter 590 or, by virtue of previous experience or other training, shall have met the requirements of chapter 590.**

3. Nothing herein shall be construed as denying the board of trustees the right to appoint guards or watchmen who shall not be given the authority and powers hereby authorized.

Approved June 20, 2017

HB 292 [SS SCS HCS HB 292]

**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 powers of banks**

AN ACT to repeal sections 362.105, 362.111, 362.280, 362.285, 365.100, 408.140, 408.330, and 443.812, RSMo, and to enact in lieu thereof thirty-two new sections relating to powers of certain financial institutions, with penalty provisions.

SECTION

- A. Enacting clause.
- 362.105. Powers and authority of banks and trust companies.
- 362.111. Fees and service charges permitted, when, conditions.
- 362.1010. Citation of law.
- 362.1015. Definitions.
- 362.1020. Inapplicability of certain sections, when.



- 362.1030. Family trust company fund established — filing fee, amount — registration requirements — application, contents.
- 362.1035. Capital account, minimum required — company's duty to maintain, requirements.
- 362.1037. Management authority, exclusively vested.
- 362.1040. Organizational instruments, requirements.
- 362.1045. Fidelity bonds, errors and omissions insurance policies, other insurance policies, company may procure and maintain.
- 362.1050. Fiduciary books and records, how maintained — assets not subject to debts or obligations of the company.
- 362.1055. Annual registration report, contents, filing fee.
- 362.1060. Permissible acts — foreign companies, exercise of trust powers.
- 362.1065. Commercial banking, engagement in prohibited.
- 362.1070. Capital account, minimum assets — rental of real or personal property — investment of funds — bonds and securities, purchase of — permissible acts of fiduciary — duty of loyalty.
- 362.1075. Fiduciary capacity — oath, affirmation, affidavit, or acknowledgment.
- 362.1080. Advertising prohibited.
- 362.1085. Examination and investigation of company, procedure.
- 362.1090. Cease and desist order — notice of charges, when, procedure.
- 362.1095. Failure to submit annual registration report, fine — termination of registration, when — reinstatement, when.
- 362.1100. Order of removal — notice of charges, when, procedure.
- 362.1105. Books and records of company, confidentiality — inspection, when — violation, penalty.
- 362.1110. Principal place of business — retention of records — in camera inspection, when.
- 362.1115. Information exempt from sunshine law — disclosure, when — violation, penalty.
- 362.1116. Rulemaking authority.
- 362.1117. Hearing for aggrieved interested persons — judicial review for cease and desist orders and rules.
- 362.1118. Severability clause.
- 365.100. Late payment charges, interest on delinquent payments, attorney fees — dishonored or insufficient funds fee — convenience fee imposed, when.
- 374.191. Interest rate on certain claims, refunds, penalties, or payments under legal or remedial actions — inapplicable, when.
- 408.140. Additional charges or fees prohibited, exceptions — no finance charges if purchases are paid for within certain time limit, exception.
- 408.330. Delinquency and collection charges permitted — insurance premium in lieu of perfecting security interest authorized — attorney fees — consolidation of contracts — convenience fee, when.
- 443.812. One license issued to each broker — record required of locations where any business is conducted — supervision requirements — waiver of licensure, when — manufactured or modular home loans.
- 362.280. Examination by directors — exceptions.
- 362.285. Report of directors' examination — penalty.

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

**SECTION A. ENACTING CLAUSE.** — Sections 362.105, 362.111, 362.280, 362.285, 365.100, 408.140, 408.330, and 443.812, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 362.105, 362.111, 362.1010, 362.1015, 362.1020, 362.1030, 362.1035, 362.1037, 362.1040, 362.1045, 362.1050, 362.1055, 362.1060, 362.1065, 362.1070, 362.1075, 362.1080, 362.1085, 362.1090, 362.1095, 362.1100, 362.1105, 362.1110, 362.1115, 362.1116, 362.1117, 362.1118, 365.100, 374.191, 408.140, 408.330, and 443.812, to read as follows:

**362.105. POWERS AND AUTHORITY OF BANKS AND TRUST COMPANIES.** — 1. Every bank and trust company created under the laws of this state may for a fee or other consideration, directly or through a subsidiary company, and upon complying with any applicable licensing statute:

(1) Conduct the business of receiving money on deposit and allowing interest thereon not exceeding the legal rate or without allowing interest thereon, and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or personal property, and upon collateral of personal security at a rate of interest not exceeding that allowed by law, and also of buying, investing in, selling and discounting negotiable and nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and for all loans and discounts made, the corporation may receive and retain the interest in advance;

(2) Accept for payment, at a future date, drafts drawn upon it by its customers and to issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its correspondents at sight or on time not exceeding one year; provided, that no bank or trust company shall incur liabilities under this subdivision to an amount equal at any time in the aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with the approval of the director under such general regulations as to amount of acceptances as the director may prescribe;

(3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act" and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and exercise all powers, not in conflict with the laws of this state, which are conferred upon any member by the Federal Reserve Act and any amendments thereto. The member bank or trust company and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this state and to all the provisions of this chapter relating to banks or trust companies;

(4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation and to make such payments to and to make such deposits with the Federal Deposit Insurance Corporation and to pay such assessments made by such corporation as will enable the bank or trust company to obtain the benefits of the insurance of deposits under the act of Congress known as "The Banking Act of 1933" and any amendments thereto;

(5) Invest in a bank service corporation as defined by the act of Congress known as the "Bank Service Corporation Act", Public Law 87-856, as approved October 23, 1962, to the same extent as provided by that act or any amendment thereto;

(6) Hold a noncontrolling equity interest in any business entity that conducts only activities that are financial in nature or incidental to financial activity or that is established pursuant to subdivision (16) of this subsection where the majority of the stock or other interest is held by Missouri banks, Missouri trust companies, national banks located in Missouri, or any foreign bank with a branch or branches in Missouri, or any combination of these financial institutions; provided that if the entity is defined pursuant to Missouri law as any type of financial institution subsidiary or other type of entity subject to special conditions or regulations, those conditions and regulations shall remain applicable, and provided that such business entity may be formed as any type of business entity, in which each investor's liability is limited to the investment in and loans to the business entity as otherwise provided by law;

(7) Receive upon deposit for safekeeping personal property of every description, and to own or control a safety vault and rent the boxes therein;

(8) Purchase and hold the stock of one safe deposit company organized and existing under the laws of the state of Missouri and doing a safe deposit business on premises owned or leased by the bank or trust company at the main banking house and any branch operated by the bank or trust company; provided, that the purchasing and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the written approval of the director, and that all of the shares of the safe deposit company shall be purchased and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales or transfers or pledges in violation hereof to be void;

(9) Act as the fiscal or transfer agent of the United States, of any state, municipality, body politic or corporation and in such capacity to receive and disburse money, to transfer, register and countersign certificates of stock, bonds and other evidences of indebtedness;

(10) Acquire or convey real property for the following purposes:

(a) Real property conveyed to it in satisfaction or part satisfaction of debts previously contracted in the course of its business; ~~and~~

(b) Real property purchased at sales under judgment, decrees or liens held by it; **and**

(c) **Real property purchased or leased by a bank for the purpose of leasing or subleasing that property to a public entity including, but not limited to, government**

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**buildings, municipal buildings, school buildings and grounds, and public hospitals. The bank shall only lease the property to a public entity that has sufficient resources to make all rental payments as the payments become due. The lease agreement shall provide that, upon the expiration of the lease, the public entity will become the owner of the real property and any building or facility located thereon. No bank shall purchase or lease real estate for this purpose if the purchase or lease will exceed the bank's lending limit under section 362.170;**

(11) Purchase, hold and become the owner and lessor of personal property acquired upon the specific request of and for use of a customer; and, in addition, leases that neither anticipate full purchase price repayment on the leased asset, nor require the lease to cover the physical life of the asset, other than those for motor vehicles which will not be used by bank or trust company personnel, and may incur such additional obligations as may be incident to becoming an owner and lessor of the property, subject to the following limitations:

(a) Lease transactions do not result in loans for the purpose of section 362.170, but the total amount disbursed under leasing obligations or rentals by any bank to any person, partnership, association, or corporation shall at no time exceed the legal loan limit permitted by statute except upon the written approval of the director of finance; **and**

(b) Lease payments are in the nature of rent rather than interest, and the provisions of chapter 408 are not applicable;

(12) Contract with another bank or trust company, bank service corporation or other partnership, corporation, association or person, within or without the state, to render or receive **any banking or trust services authorized under this chapter** such as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, financial counseling, or similar services, or the storage, transmitting or processing of any information or data; ~~except that, the contract shall provide, to the satisfaction of the director of finance, that the party providing such services to a bank or trust company will be subject to regulation and examination to the same extent as if the services were being performed by the bank or trust company on its own premises. This subdivision shall not be deemed to authorize a bank or trust company to provide any customer services through any system of electronic funds transfer at places other than bank premises].~~ **Any person or entity that provides, by contract or otherwise, such services to a bank or trust company, other than an entity that is a founding member and is represented on the executive committee of the Payment Card Industry Security Standards Council and that is examined and regulated under the Bank Service Company Act (12 U.S.C. Sections 1861 to 1867(c)) or any successor statute by an appropriate federal banking agency, shall be subject to examination by the division of finance to the same extent as if the service was being performed by the bank or trust company on its own premises. Each bank or trust company under the jurisdiction of the division of finance shall provide a list of all persons or entities providing services to the bank or trust company;**

(13) Purchase and hold stock in a corporation whose only purpose is to purchase, lease, hold or convey real property of a character which the bank or trust company holding stock in the corporation could itself purchase, lease, hold or convey pursuant to the provisions of ~~paragraph (a) of~~ subdivision (10) of this subsection; provided, the purchase and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company ~~and by the written approval of the director;~~ and that all of the shares of the corporation shall be purchased and held by the bank or trust company and shall not be sold or transferred except as a whole;

(14) Purchase and sell investment securities, without recourse, solely upon order and for the account of customers; and establish and maintain one or more mutual funds and offer to the public shares or participations therein. Any bank which engages in such activity shall comply with all provisions of chapter 409 regarding the licensing and registration of sales personnel for mutual funds so offered, provided that such banks shall register as a broker-dealer with the office

of the commissioner of securities and shall consent to supervision and inspection by that office and shall be subject to the continuing jurisdiction of that office;

(15) Make debt or equity investments in corporations or projects, whether for profit or not for profit, designed to promote the development of the community and its welfare, provided that the aggregate investment in all such corporations and in all such projects does not exceed five percent of the unimpaired capital of the bank, and provided that this limitation shall not apply to loans made under the authority of other provisions of law, and other provisions of law shall not limit this subdivision; **and**

(16) Offer through one or more subsidiaries any products and services which a national bank may offer through its financial subsidiaries, subject to the limitations that are applicable to national bank financial subsidiaries, and provided such bank or trust company meets the division of finance safety and soundness considerations. This subdivision is enacted to provide in part competitive equality with national banks' powers under the Gramm-Leach-Bliley Act of 1999, Public Law 106-102.

2. In addition to the power and authorities granted in subsection 1 of this section, and notwithstanding any limitations therein, a bank or trust company may:

(1) Purchase or lease, in an amount not exceeding its legal loan limit, real property and improvements thereto suitable for the convenient conduct of its functions. The bank may derive income from renting or leasing such real property or improvements or both. If the purchase or lease of such real property or improvements exceeds the legal loan limit or is from an officer, director, employee, affiliate, principal shareholder or a related interest of such person, prior approval shall be obtained from the director of finance; and

(2) Loan money on real estate as defined in section 442.010, and handle escrows, settlements and closings on real estate for the benefit of the bank's customers, as a core part of the banking business, notwithstanding any other provision of law to the contrary.

3. In addition to the powers and authorities granted in subsection 1 of this section, every trust company created under the laws of this state shall be authorized and empowered to:

(1) Receive money in trust and to accumulate the same at such rate of interest as may be obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

(2) Accept and execute all such trusts and perform such duties of every description as may be committed to it by any person or persons whatsoever, or any corporation, and act as assignee, receiver, trustee and depository, and to accept and execute all such trusts and perform such duties of every description as may be committed or transferred to it by order, judgment or decree of any courts of record of this state or other states, or of the United States;

(3) Take, accept and hold, by the order, judgment or decree of any court of this state, or of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or bequest of any person or corporation, any real or personal property in trust, and to execute and perform any and all the legal and lawful trusts in regard to the same upon the terms, conditions, limitations and restrictions which may be declared, imposed, established or agreed upon in and by the order, judgment, decree, gift, grant, assignment, transfer, devise or bequest;

(4) Buy, invest in and sell all kinds of stocks or other investment securities;

(5) Execute, as principal or surety, any bond or bonds required by law to be given in any proceeding, in law or equity, in any of the courts of this state or other states, or of the United States;

(6) Act as trustee, personal representative, or conservator or in any other like fiduciary capacity; **and**

(7) Act as attorney-in-fact or agent of any person or corporation, foreign or domestic, in the management and control of real or personal property, the sale or conveyance of same, the investment of money, and for any other lawful purpose.

4. (1) In addition to the powers and authorities granted in this section, the director of finance may, from time to time, with the approval of the state banking and savings and loan board, issue

orders granting such other powers and authorities as have been granted to financial institutions subject to the supervision of the federal government to:

(a) State-chartered banks and trust companies which are necessary to enable such banks and trust companies to compete;

(b) State-chartered banks and trust companies to establish branches to the same extent that federal law permits national banks to establish branches;

(c) Subsidiaries of state-chartered banks and trust companies to the same extent powers are granted to national bank subsidiaries to enable such banks and trust companies to compete; **and**

(d) State-chartered banks and trust companies to establish trust representative offices to the same extent national banks are permitted such offices[-]; **and**

(2) The orders shall be promulgated as provided in section 361.105 and shall not be inconsistent with the constitution and the laws of this state.

5. As used in this section, the term "subsidiary" shall include one or more business entities of which the bank or trust company is the owner, provided the owner's liability is limited by the investment in and loans to the subsidiary as otherwise provided for by law.

6. A bank or trust company to which authority is granted by regulation in subsection 4 of this section, based on the population of the political subdivision, may continue to exercise such authority for up to five years after the appropriate decennial census indicates that the population of the town in which such bank or trust company is located has exceeded the limits provided for by regulation pursuant to subsection 4 of this section.

**362.111. FEES AND SERVICE CHARGES PERMITTED, WHEN, CONDITIONS.** — 1. A bank or trust company may impose fees or service charges on deposit accounts; however, such fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to section 361.105 by the director of the division of finance and the state banking and savings and loan board. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution and no contractual fee charged for overdrawing the balance of a deposit account shall be deemed interest.

2. **A bank may impose a convenience fee for payments using an alternative payment channel that accepts a debit or credit card not present transaction, non-face-to-face payment, provided that:**

(a) **The person making the payment is notified of the convenience fee; and**

(b) **The fee is fixed or flat, except that the fee may vary based upon method of payment used.**

3. **An agreement to operate or share an automated teller machine shall not prohibit an owner or operator of the automated teller machine from imposing, on an individual who conducts a transaction using a foreign account, an access fee or surcharge that is not otherwise prohibited under federal or state law.**

[3-] 4. As used in this section, the following terms mean:

(1) "Automated teller machine", any electronic device, wherever located, through which a consumer may initiate an electronic funds transfer or may order, instruct, or authorize a financial institution to debit or credit an account and includes any machine or device which may be used to carry out electronic banking business. "Automated teller machine" does not include point of sale terminals or telephones or personal computers operated by a consumer;

(2) "Foreign account", an account with a financial institution located outside the United States.

**362.1010. CITATION OF LAW.** — **Sections 362.1010 to 362.1115 shall be known and may be cited as the "Missouri Family Trust Company Act".**

**362.1015. DEFINITIONS.** — For purposes of sections 362.1010 to 362.1115, the following terms mean:

(1) "Authorized representative", if a family trust company is organized as a corporation, then an officer or director of the family trust company or, if a family trust company is organized as a limited liability company, then a manager, officer, or member of the family trust company;

(2) "Collateral kinship", a relationship that is not lineal but stems from a common ancestor;

(3) "Controlling stockholder or member", an individual who owns or has the ability or power to directly or indirectly vote ten percent or more of the outstanding shares, membership interest, or membership units of the family trust company;

(4) "Designated relative", a common ancestor of a family, either living or deceased, who is so designated in an organizational instrument. No family trust company shall have more than one designated relative;

(5) "Engage in trust company business with the general public", any sales, solicitations, arrangements, agreements, or transactions to provide trust or other business services, whether for a fee, commission, or any other type of remuneration, with any person who is not a family member or any sole proprietorship, partnership, limited liability company, joint venture, association, corporation, trust, estate, business trust, or other company that is not one hundred percent owned by one or more family members;

(6) "Family affiliate", a company or other entity wholly and exclusively owned by, directly or indirectly, and operated for the sole benefit of:

(a) One or more family members; or

(b) Charitable foundations, charitable trusts, or other charitable entities if such foundation, trust, or entity is funded exclusively by one or more family members;

(7) "Family member":

(a) A designated relative;

(b) Any person within the tenth degree of lineal kinship of a designated relative;

(c) Any person within the ninth degree of collateral kinship to a designated relative;

(d) The spouse of any person who qualifies under paragraphs (a) through (c) of this subdivision;

(e) Any former spouse of any person who qualifies under paragraphs (a) through (c) of this subdivision;

(f) The probate estate of any person who qualified as a family member under paragraphs (a) through (e) of this subdivision;

(g) A family affiliate;

(h) An irrevocable trust funded exclusively by one or more family members of which all permissible distributees, as defined under subdivision (15) of section 456.1-103, qualify under paragraphs (a) through (g) of this subdivision or are charitable foundations, charitable trusts, or other charitable entities; or

(i) A revocable trust of which one or more family members are the sole settlors.

For purposes of this subdivision, a legally adopted person shall be treated as a natural child of the adoptive parents; a stepchild shall be treated as a natural child of the family member who is or was the stepparent of that child; and a foster child or an individual who was a minor when a family member became his or her legal guardian shall be treated as a natural child of the family member appointed as foster parent or guardian. Degrees of kinship are calculated by adding the number of steps from the designated relative through each person to the family member either directly in case of lineal kinship or through the common ancestor in the case of collateral kinship;

(8) "Family trust company", a corporation or limited liability company organized or qualified to do business in this state that is wholly owned and exclusively controlled by, directly or indirectly, one or more family members, excluding any former spouse of a

family member; that operates for the exclusive benefit of a family member regardless of whether compensation is received or anticipated; and that does not engage in trust company business with the general public or otherwise hold itself out as a trustee for hire by advertisement, solicitation, or other means. The term "family trust company" shall include foreign family trust companies unless context indicates otherwise;

(9) "Family trust company affiliated party":

(a) A director, officer, manager, employee, or controlling stockholder or member of a family trust company; or

(b) A stockholder, member, or any other person as determined by the secretary who participates in the affairs of a family trust company;

(10) "Foreign family trust company", a family trust company that:

(a) Is licensed by the District of Columbia or a state in the United States other than this state;

(b) Has its principal place of business in the District of Columbia or a state in the United States other than this state;

(c) Is operated in accordance with family or private trust company laws of the District of Columbia or of the state in which it is licensed;

(d) Is subject to statutory or regulatory mandated oversight by the District of Columbia or state in which the principal place of business is located; and

(e) Is not owned by or a subsidiary of a corporation, limited liability company, or other business entity that is organized in or licensed by any foreign country;

(11) "Lineal kinship", a relationship in the direct line of ascent or descent from a designated relative;

(12) "Officer", an individual, regardless of whether the individual has an official title or receives a salary or other compensation, who may participate in the major policy making functions of a family trust company other than as a director. The term shall not include an individual who may have an official title and exercises discretion in the performance of duties and functions but who does not participate in determining the major policies of the family trust company and whose decisions are limited by policy standards established by other officers, regardless of whether the policy standards have been adopted by the board of directors. The chair of the board of directors, the president, the chief executive officer, the chief financial officer, the senior trust officer, all executive vice presidents of a family trust company, and all managers if organized as a limited liability company are presumed to be officers unless such officer is excluded, other than in the capacity of a director, by resolution of the board of directors or members or by the bylaws or operating agreement of the family trust company from participating in major policy making functions of the family trust company, and such excluded officer does not actually participate therein;

(13) "Organizational instrument", the articles of incorporation for a corporation or the articles of organization for a limited liability company;

(14) "Principal place of business", the physical location where officers of a family trust company direct, control, and coordinate the trust company's activities;

(15) "Principal place of operations", the physical location in this state where a foreign family trust company stores and maintains its books and records pertaining to operations in this state;

(16) "Qualified beneficiary", the same meaning as defined under subdivision (20) of section 456.1-103;

(17) "Registered agent", a business or individual designated by a family trust company to receive service of process on behalf of the family trust company;

(18) "Reports of examinations, operations, or conditions", records submitted to the secretary or prepared by the secretary as part of the secretary's duties performed under sections 362.1010 to 362.1117;

- (19) "Secretary", the secretary of state for the state of Missouri;
- (20) "Secretary's designee", an attorney-at-law or a certified public accountant designated by the secretary under subsection 1 of section 362.1085;
- (21) "Working papers", the records of the procedures followed, tests performed, information obtained, and conclusions reached in an investigation under sections 362.1010 to 362.1117. The term shall also include books and records.

**362.1020. INAPPLICABILITY OF CERTAIN SECTIONS, WHEN.** — If a family trust company limits its activities to the activities authorized under sections 362.1010 to 362.1117, then section 361.160 and sections 362.010 to 362.950 shall not apply to the family trust company.

**362.1030. FAMILY TRUST COMPANY FUND ESTABLISHED — FILING FEE, AMOUNT — REGISTRATION REQUIREMENTS — APPLICATION, CONTENTS.** — 1. There is hereby established in the state treasury the "Family Trust Company Fund", which shall consist of all fees collected by the secretary from family trust companies registering as provided in 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 moneys in the fund shall be used solely to support the secretary's role and fulfillment of duties under sections 362.1010 to 362.1117. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. No family trust company shall conduct business in this state unless such family trust company pays a one-time original filing fee of five thousand dollars to the secretary and registers with the secretary in a format prescribed by the secretary. The secretary shall deposit all family trust company filing fees into the family trust company fund established under subsection 1 of this section.

3. To register, a family trust company that is not a foreign family trust company shall file its organizational instrument with the secretary. At a minimum, the organizational instrument shall state:

- (1) The name of the designated relative;
  - (2) That the family trust company is a family trust company as defined under sections 362.1010 to 362.1117; and
  - (3) That its operations will comply with sections 362.1010 to 362.1117.
4. A foreign family trust company shall register by filing with the secretary:
- (1) An initial registration to begin operations as a foreign family trust company; and
  - (2) An application for a certificate of authority in accordance with and subject to chapters 347 or 351.

5. A foreign family trust company application shall be submitted on a form prescribed by the secretary and be signed, under penalty of perjury, by an authorized representative. At a minimum, the application shall include:

- (1) A statement attesting that the foreign family trust company:
  - (a) Will comply with the provisions of sections 362.1010 to 362.1117; and
  - (b) Is in compliance with the family trust company laws and regulations of the jurisdiction of its incorporation or organization;
- (2) The current telephone number and street address of:
  - (a) The foreign family trust company's principal place of business in the jurisdiction of its incorporation or organization;
  - (b) The foreign family trust company's principal place of operations; and
  - (c) Any other offices located within this state;



- (3) The name and current street address in this state of its registered agent;
- (4) A certified copy of a certificate of good standing, or an equivalent document, authenticated by the official having custody of records in the jurisdiction where the foreign family trust company is incorporated or organized;
- (5) Satisfactory proof, as determined by the secretary, that the foreign family trust company is organized in a manner similar to a Missouri family trust company and is in compliance with the family trust company laws and regulations of the jurisdiction in which the foreign family trust company was incorporated or organized; and
- (6) Any other information reasonably and customarily required by the secretary of foreign corporations or foreign limited liability companies seeking to qualify to conduct business in this state.

**362.1035. CAPITAL ACCOUNT, MINIMUM REQUIRED—COMPANY'S DUTY TO MAINTAIN, REQUIREMENTS.** — 1. No family trust company shall be organized or operated with a capital account of less than two hundred fifty thousand dollars. The full amount of the initial capital account of a family trust company shall consist of one or more asset groups described under subsection 1 of section 362.1070, exclusive of all organization expenses.

2. A family trust company shall maintain:

- (1) A physical office in this state where original or true copies, including electronic copies, of all material business records and accounts of the family trust company may be accessed and are readily available for examination by the secretary. A family trust company may also maintain one or more branch offices within or outside of this state;
- (2) A registered agent who maintains an office in this state;
- (3) All applicable state and local business licenses, charters, and permits; and
- (4) A deposit account with a state-chartered or national financial institution that has a principal or branch office in this state.

3. In addition to the requirements of subsection 2 of this section, a foreign family trust company shall also:

- (1) Be in good standing in the jurisdiction in which it is incorporated or organized; and
- (2) Stay in compliance with the family trust company laws and regulations of such jurisdiction.

**362.1037. MANAGEMENT AUTHORITY, EXCLUSIVELY VESTED.** — Exclusive authority to manage a family trust company shall be vested in:

- (1) If a corporation, a board of directors that consists of at least three directors; or
- (2) If a limited liability company, a board of directors or managers that consists of three directors or managers.

At least one director or manager of the company shall be a resident of this state.

**362.1040. ORGANIZATIONAL INSTRUMENTS, REQUIREMENTS.** — 1. One or more persons may subscribe to an organizational instrument in writing for the purpose of forming a family trust company, subject to the conditions prescribed by law.

2. The organizational instrument of a family trust company shall set forth all of the information required under chapters 347 or 351, as applicable, and the following:

- (1) The name of the company, which shall distinguish the company from any other nonfamily trust company or family trust company formed or engaging in business in this state. If the word "trust" is included in the name, it shall be immediately preceded by the word "family" so as to distinguish the entity from a nonfamily trust company operating under this chapter. This subdivision shall not apply to a foreign family trust company using a fictitious name that is registered and maintained in this state pursuant to the

requirements administered by the secretary and that distinguishes the foreign family trust company from a nonfamily trust company authorized to operate under this chapter;

(2) The purpose for which the company is formed, which shall clearly identify the restricted activities permissible to a family trust company under sections 362.1010 to 362.1117; and

(3) A statement affirming that the family trust company shall not engage in trust company business with the general public.

3. The term "trust company" in the name adopted by a family trust company shall not violate section 362.425.

**362.1045. FIDELITY BONDS, ERRORS AND OMISSIONS INSURANCE POLICIES, OTHER INSURANCE POLICIES, COMPANY MAY PROCURE AND MAINTAIN. — 1.** A family trust company may procure and maintain fidelity bonds on all active officers, directors, managers, and members acting in a managerial capacity and on all employees of the company in order to indemnify the family trust company against loss resulting from dishonest, fraudulent, or criminal acts or omissions committed by any such person, whether acting alone or in combination with other persons and regardless of whether such person receives a salary or other compensation from the company.

2. A family trust company may also procure and maintain an errors and omissions insurance policy in which the family trust company is listed as the insured to cover the acts and omissions of officers, directors, managers, and members acting in a managerial capacity, regardless of whether any such person receives a salary or other compensation from the company.

3. A family trust company may also procure and maintain other insurance policies necessary or desirable in connection with the business of the company including, but not limited to, one or more casualty insurance policies.

**362.1050. FIDUCIARY BOOKS AND RECORDS, HOW MAINTAINED — ASSETS NOT SUBJECT TO DEBTS OR OBLIGATIONS OF THE COMPANY. — 1.** A family trust company shall maintain its fiduciary books and records separate and distinct from other records of the company and shall segregate all assets held in any fiduciary capacity from other assets of the company.

2. Assets received or held in a fiduciary capacity by a family trust company shall not be subject to the debts or obligations of the company.

**362.1055. ANNUAL REGISTRATION REPORT, CONTENTS, FILING FEE. — 1.** A family trust company shall file an annual registration report with, and shall pay an annual filing fee of one thousand dollars to, the secretary.

2. The annual registration report filed by a family trust company that is not a foreign family trust company shall include:

(1) A statement by an authorized representative verifying that the family trust company is in compliance with the provisions of sections 362.1010 to 362.1117 and with applicable federal laws including, but not limited to, anti-money laundering and customer identification rules or regulations;

(2) The name of the company's designated relative and the street address for its principal place of business; and

(3) Any other information reasonably and customarily required by the secretary of general business corporations in connection with filing their annual registration reports.

3. The annual registration report filed by a foreign family trust company shall include:

(1) A statement by an authorized representative verifying that the foreign family trust company is in compliance with the provisions of sections 362.1010 to 362.1117, with the

family trust company laws and regulations of the jurisdiction in which it was incorporated or organized, and with applicable federal laws including, but not limited to, anti-money laundering and customer identification rules or regulations;

(2) The current telephone number and street address of the foreign family trust company's principal place of business in the jurisdiction in which it was incorporated or organized;

(3) The current telephone number and street address of the foreign family trust company's principal place of operations;

(4) The current telephone number and address of the physical location of any other offices located in this state;

(5) The name and current street address in this state of the trust company's registered agent;

(6) Documentation, to the satisfaction of the secretary, showing that the foreign family trust company is in compliance with the family trust company laws and regulations of the jurisdiction in which it was incorporated or organized; and

(7) Any other information reasonably and customarily required by the secretary of general business corporations in connection with filing their annual registration reports.

4. An annual registration report shall be submitted on a form prescribed by the secretary and signed under penalty of perjury by an authorized representative.

**362.1060. PERMISSIBLE ACTS — FOREIGN COMPANIES, EXERCISE OF TRUST POWERS.**

—1. A family trust company may, but only for family members:

(1) Act as a sole or co-personal representative, executor, or administrator for a probate estate within or outside this state;

(2) Act as an attorney-in-fact or agent under a power of attorney;

(3) Except as provided under section 362.1065, act within or outside this state as a sole fiduciary or cofiduciary, including acting as a trustee, advisory agent, assignee, assignee for the benefit of creditors, authenticating agent, bailee, bond or indenture trustee, conservator, conversion agent, custodian, escrow agent, fiscal or paying agent, financial advisor, guardian, investment advisor or manager, managing agent, purchase agent, receiver, registrar, safekeeping or subscription agent, transfer agent for entities other than public companies, warrant agent, or other similar capacity generally performed by a corporate trustee. In so acting, the family trust company may possess, purchase, sell, invest, reinvest, safekeep, or otherwise manage or administer the real or personal property of family members;

(4) Exercise the powers of a corporation or limited liability company incorporated or organized under the laws of this state, or qualified to transact business as a foreign corporation or limited liability company under the laws of this state that are reasonably necessary to enable the trust company to fully exercise a power conferred under sections 362.1010 to 362.1117 in accordance with commonly accepted customs and usages;

(5) Delegate duties and powers, including investment and management functions under section 469.909, in accordance with the powers granted to a trustee under chapter 456 or other applicable law and retain agents, attorneys, accountants, investment advisors, or other individuals or entities to advise or assist the family trust company in the exercise of its powers and duties under sections 362.1010 to 362.1117 and chapter 456. Such exercise of power may include, but is not limited to, retaining a bank trust department or a public trust company other than another family trust company; and

(6) Perform all acts necessary to exercise the powers enumerated in this section or authorized under sections 362.1010 to 362.1117 and other applicable laws of this state.

2. A foreign family trust company in good standing in the jurisdiction in which it is incorporated or organized may exercise all the trust powers in this state that a Missouri family trust company may exercise.

**362.1065. COMMERCIAL BANKING, ENGAGEMENT IN PROHIBITED.** — Notwithstanding any other provision of sections 362.1010 to 362.1117, no family trust company shall engage in commercial banking. However, a family trust company may establish accounts at financial institutions for its own purposes or on behalf of family members to whom it provides services under sections 362.1010 to 362.1117.

**362.1070. CAPITAL ACCOUNT, MINIMUM ASSETS — RENTAL OF REAL OR PERSONAL PROPERTY — INVESTMENT OF FUNDS — BONDS AND SECURITIES, PURCHASE OF — PERMISSIBLE ACTS OF FIDUCIARY — DUTY OF LOYALTY.** — 1. The assets forming the minimum capital account of a family trust company shall:

(1) Consist of cash, United States Treasury obligations, or any combination thereof; and

(2) Have an aggregate market value of at least one hundred percent of the company's required capital account, as specified under subsection 1 of section 362.1035. If the aggregate market value of one hundred percent of the company's capital account is, at any time, less than the amount required under subsection 1 of section 362.1035, the company shall have five business days to bring such capital account into compliance with subsection 1 of section 362.1035.

2. A family trust company may purchase or rent real or personal property for use in conducting business and other activities of the company.

3. Notwithstanding any other provision of law, a family trust company may invest funds for its own account, other than those required or allowed under subsection 1 or 2 of this section, in any type or character of equity securities, debt securities, or other assets.

4. Notwithstanding any other provision of law, a family trust company may, while acting as a fiduciary, purchase directly from underwriters or broker-dealers or purchase in the secondary market:

(1) Bonds or other securities underwritten or brokered by:

(a) The family trust company;

(b) A family affiliate; or

(c) A syndicate, including the family trust company or a family affiliate; and

(2) Securities of investment companies for which the family trust company acts as an advisor, custodian, distributor, manager, registrar, shareholder servicing agent, sponsor, or transfer agent. For purposes of this section, investment companies shall be deemed to include mutual funds, closed-end funds, or unit investment trusts as defined under the Investment Company Act of 1940, 76 P.L. 768, as amended.

5. The authority granted under subsection 4 of this section may be exercised only if:

(1) The investment is not expressly prohibited by the instrument, judgment, decree, or order that establishes the fiduciary relationship;

(2) The family trust company procures in writing the consent of all cofiduciaries with discretionary investment powers to the investment, if any; and

(3) The family trust company discloses its intent to exercise the authority granted under subsection 4 of this section in writing to all of the trust company's account statement recipients before the first exercise of such authority, and each such disclosure states:

(a) Any interest the family trust company has or reasonably expects to have in the underwriting or distribution of the bonds or securities;

(b) Any fee or other compensation received or reasonably expected to be received by the family trust company as a result of the transaction or services provided to an investment company; and

(c) Any relationship between the family trust company and an investment company.

6. Subsections 4 and 5 of this section shall not affect the degree of prudence required of fiduciaries under the laws of this state. However, a purchase of bonds or securities under this section shall be presumed unaffected by a conflict between the fiduciary's personal and fiduciary interests if such purchase:

- (1) Is negotiated at a fair price;
- (2) Is in accordance with:
  - (a) The interest of the qualified beneficiaries of the trust for which the purchase is made; and
  - (b) The purposes of the trust; and
- (3) Otherwise complies with:
  - (a) The Missouri prudent investor act, sections 469.900 to 469.913, unless such compliance is waived in a manner as provided by law; and
  - (b) The terms of the instrument, judgment, decree, or order establishing the fiduciary relationship.

7. Notwithstanding subsections 1 through 6 of this section, no family trust company shall, while acting as a fiduciary, purchase a bond or security issued by the family trust company, its parent, or a subsidiary company of either unless:

- (1) The family trust company is expressly authorized to do so by:
  - (a) The terms of the instrument creating the trust for which such purchase is made;
  - (b) A court order;
  - (c) The written consent of the settlor of such trust for which the family trust company is serving as trustee; or
  - (d) The written consent of every adult qualified beneficiary of such trust who, at the time of such purchase, is entitled to receive income under the trust or who would be entitled to receive a distribution of principal if the trust were terminated; and
- (2) The purchase of the security is at a fair price and complies with the Missouri prudent investor act, sections 469.900 to 469.913, unless compliance is waived in a manner as provided by law, and with the terms of the instrument, judgment, decree, or order establishing the fiduciary relationship.

8. Except as otherwise expressly limited by this section, a family trust company is authorized, without limiting any powers otherwise conferred on fiduciaries by law, to do any of the following actions while acting as a fiduciary, and such actions shall be presumed to be unaffected by a conflict between the fiduciary's personal and fiduciary interests:

- (1) Make an equity investment in a closely held entity that may or may not be marketable and that is directly or indirectly owned or controlled by one or more family members;
- (2) Place a security transaction using a broker who is a family member;
- (3) Enter into an agreement with a family member who is the settlor or a qualified beneficiary of a trust with respect to the appointment of the family trust company as a fiduciary of the trust or with respect to the compensation of the family trust company for service as a fiduciary;
- (4) Transact business with a family member;
- (5) Transact business with or invest in any asset of another trust, estate, guardianship, or conservatorship for which the family trust company is a fiduciary or in which a family member has an interest;
- (6) Deposit trust assets in a financial institution that is owned, controlled, or operated by one or more family members;
- (7) Purchase, sell, hold, own, or invest in a security, bond, real property, personal property, stock, or other asset of a family member; and
- (8) With or without adequate security, lend moneys to or borrow moneys from a family member or a trust, estate, or guardianship for which the family trust company serves as a fiduciary.

9. If not inconsistent with and subject to the terms of subsections 4 through 8 of this section, the duty of loyalty under section 456.8-802 applies to a family trust company when the family trust company serves as trustee of a trust whose administration is subject to chapter 456.

**362.1075. FIDUCIARY CAPACITY — OATH, AFFIRMATION, AFFIDAVIT, OR ACKNOWLEDGMENT.** — If a family trust company is required to make an oath, affirmation, affidavit, or acknowledgment regarding a fiduciary capacity in which the family trust company is acting or preparing to act, a director, officer, or, if the company is a limited liability company, a manager or officer expressly authorized by the family trust company shall make and, if required, subscribe to such oath, affirmation, affidavit, or acknowledgment on behalf of the company.

**362.1080. ADVERTISING PROHIBITED.** — No family trust company shall advertise its services to the public.

**362.1085. EXAMINATION AND INVESTIGATION OF COMPANY, PROCEDURE.** — 1. The secretary may designate an attorney-at-law or a certified public accountant to examine or investigate, or assist in the examination of, a family trust company.

2. The secretary or the secretary's designee may examine or investigate a family trust company at any time the secretary deems necessary to determine if the family trust company engaged in an act prohibited under section 362.1065 or 362.1080 and, if a family trust company engaged in such act, to determine whether any other applicable law was violated.

3. The secretary or the secretary's designee may examine the books and records of a foreign family trust company at any time the secretary deems necessary to determine if such foreign family trust company is in compliance with sections 362.1010 to 362.1117. In connection with an examination of the books and records of the trust company, the secretary or the secretary's designee may rely upon the most recent examination report, review, certification letters, or similar documentation issued by the agency supervising the foreign family trust company in the jurisdiction in which the foreign family trust company is incorporated or organized. The examination by the secretary or the secretary's designee of the books and records of a foreign family trust company shall be, to the extent practicable, limited to books and records of operations in this state.

4. For each examination or investigation of a family trust company under this section, the family trust company shall pay the costs of the examination or investigation. As used in this subsection, the term "costs" means the salary of and travel expenses incurred by any individual that are directly attributable to the examination or investigation of the family trust company. The mailing of payment for costs incurred shall be postmarked within thirty days after the receipt of a notice that states the costs are due. The secretary may levy a late payment of up to one hundred dollars per day for each day that a payment is overdue unless waived for good cause. However, if the late payment of costs is intentional, the secretary may levy an administrative fine of up to one thousand dollars per day for each day the payment is overdue.

5. The secretary may establish by rule the requirements and records necessary to demonstrate conformity with sections 362.1010 to 362.1117 by a family trust company.

**362.1090. CEASE AND DESIST ORDER — NOTICE OF CHARGES, WHEN, PROCEDURE.** —

1. The secretary or the secretary's designee may issue and serve upon a family trust company or family trust company affiliated party a notice of charges if the secretary or the secretary's designee has reason to believe that such company, family trust company affiliated party, or individual named therein is engaging in or has engaged in any of the following acts:

(1) The family trust company fails to satisfy the requirements of a family trust company or foreign family trust company under sections 362.1010 to 362.1117;

(2) A violation of section 362.1035, 362.1040, 362.1050, 362.1055, 362.1060, or 362.1080;

- (3) A violation of any rule of the secretary;
- (4) A violation of any order of the secretary;
- (5) A breach of any written agreement with the secretary;
- (6) A prohibited act or practice under section 362.1065;
- (7) A willful failure to provide information or documents to the secretary upon written request;
- (8) An act of commission or omission that is judicially determined by a court of competent jurisdiction to be a breach of trust or fiduciary duty; or
- (9) A violation of state or federal law related to anti-money laundering, customer identification, or any related rule or regulation.

2. The notice of charges shall contain a statement of facts and notice of opportunity for a hearing.

3. If no hearing is requested within thirty days after the date of service of the notice of charges or if a hearing is held and the secretary or secretary's designee finds that any of the charges are true, the secretary or secretary's designee may enter an order directing the family trust company, family trust company affiliated party, or the individual named in the notice of charges to cease and desist such conduct and to take corrective action.

4. A contested or default cease and desist order is effective when reduced to writing and served upon the family trust company, family trust company affiliated party, or the individual named therein. An uncontested cease and desist order is effective as agreed.

5. If the secretary or the secretary's designee finds that conduct described under subsection 1 of this section is likely to cause substantial prejudice to members, shareholders, beneficiaries of fiduciary accounts of the family trust company, or beneficiaries of services rendered by the family trust company, the secretary or the secretary's designee may issue an emergency cease and desist order requiring the family trust company, family trust company affiliated party, or individual named therein to immediately cease and desist from engaging in the conduct stated and to take corrective action. The emergency order is effective immediately upon service of a copy of the order upon the family trust company or family trust company affiliated party and shall remain effective for ninety days. If the secretary or the secretary's designee begins nonemergency cease and desist proceedings under subsection 1 of this section, the emergency order shall remain effective until the conclusion of the proceedings under this section.

6. A family trust company shall have ninety days to wind up its affairs after entry of any order to cease and desist from operating as a family trust company. If a family trust company that is not a foreign family trust company is still operating after ninety days, the secretary or the secretary's designee may seek an order from a circuit court for the annulment or dissolution of the company. If a foreign family trust company is still operating after ninety days, the secretary or the secretary's designee may seek an injunction from a circuit court restraining the company from continuing to operate in this state.

**362.1095. FAILURE TO SUBMIT ANNUAL REGISTRATION REPORT, FINE — TERMINATION OF REGISTRATION, WHEN — REINSTATEMENT, WHEN. —** If a family trust company fails to submit within the prescribed period its annual registration report or any other report required by sections 362.1010 to 362.1117 or rule, the secretary may impose a fine of up to one hundred dollars for each day that the annual registration report or other report is overdue. Failure to provide the annual registration report within sixty days after the end of the calendar year shall automatically result in termination of the registration of a family trust company. A family trust company may have its registration automatically reinstated by submitting to the secretary, on or before August thirty-first of the calendar year in which the annual registration report is due, the company's annual registration report, a five hundred dollar late fee, and the amount of any fine imposed by the secretary

under this section. A family trust company that fails to renew or reinstate its registration shall wind up its affairs on or before November thirtieth of the calendar year in which such failure occurs.

**362.1100. ORDER OF REMOVAL—NOTICE OF CHARGES, WHEN, PROCEDURE.** — 1. The secretary or the secretary's designee may issue and serve upon a family trust company and a family trust company affiliated party a notice of charges if the secretary or the secretary's designee has reason to believe that the family trust company affiliated party is engaging or has engaged in conduct that:

(1) Demonstrates that the family trust company does not satisfy the requirements of a family trust company or of a foreign family trust company under sections 362.1010 to 362.1117;

(2) Is a prohibited act or practice under section 362.1065;

(3) Violates section 362.1035, 362.1040, 362.1050, 362.1055, 362.1060, or 362.1080;

(4) Violates any other law involving fraud or moral turpitude that constitutes a felony;

(5) Violates a state or federal law related to anti-money laundering, customer identification, or any related rule or regulation;

(6) Is a willful violation of a rule of the secretary;

(7) Is a willful violation of an order of the secretary;

(8) Is a willful breach of a written agreement with the secretary; or

(9) Is an act of commission or omission or a practice that the secretary or the secretary's designee has reason to believe is a breach of trust or fiduciary duty.

2. The notice of charges shall contain a statement of facts and notice of opportunity for a hearing.

3. If no hearing is requested within thirty days after the date of service of the notice of charges or if a hearing is held and the secretary or secretary's designee finds that any of the charges in the notice of charges are true, the secretary or secretary's designee may enter an order that removes the family trust company affiliated party from the family trust company or that restricts or prohibits the family trust company affiliated party from participating in the affairs of the family trust company.

4. A contested or default order of removal is effective when reduced to writing and served upon the family trust company and the family trust company affiliated party. An uncontested order of removal is effective as agreed.

5. (1) The chief executive officer of a family trust company or the person holding the equivalent office shall promptly notify the secretary if such person has actual knowledge that a family trust company affiliated party is charged with a felony in a state or federal court.

(2) If a family trust company affiliated party is charged with a felony in a state or federal court or, in a court of a foreign country with which the United States maintains diplomatic relations, is charged with an offense that involves a violation of law relating to fraud, currency transaction reporting, money laundering, theft, or moral turpitude and such offense is equivalent to a felony charge under state or federal law, then the secretary or the secretary's designee may enter an emergency order that suspends the family trust company affiliated party or that restricts or prohibits participation by such party in the affairs of the family trust company effective upon service of the order on the company and such family trust company affiliated party.

(3) The order shall contain notice of opportunity for a hearing, at which the family trust company affiliated party may request a post-suspension hearing to show that continued service to or participation in the affairs of the family trust company does not pose a threat to the interests of the family trust company. In accordance with applicable rules, the secretary or secretary's designee shall notify the family trust company affiliated



party whether the order suspending or prohibiting the family trust company affiliated party from participating in the affairs of the family trust company will be rescinded or otherwise modified. The emergency order shall remain in effect, unless otherwise modified by the secretary or secretary's designee, until the criminal charge is disposed. The emergency order shall dissolve upon the final, unappealed dismissal of all charges against or the acquittal of the family trust company affiliated party. Such occurrences shall not prohibit the secretary or the secretary's designee from instituting proceedings under subsection 1 of this section. If the family trust company affiliated party charged is convicted or pleads guilty or nolo contendere, regardless of adjudication, the emergency order shall become final.

6. No family trust company affiliated party removed from office under this section shall be eligible for reinstatement to such office or to any other official position in a family trust company or financial institution in this state except with the written consent of the secretary. A family trust company affiliated party who is removed, restricted, or prohibited from participation in the affairs of a family trust company under this section may petition the secretary for modification or termination of such removal, restriction, or prohibition.

7. The resignation, termination of employment or participation, or separation from a family trust company of the family trust company affiliated party shall not affect the jurisdiction and authority of the secretary or the secretary's designee to issue a notice and proceed under this section against the family trust company affiliated party if such notice is served within six years of the date such person ceased to be a family trust company affiliated party.

**362.1105. BOOKS AND RECORDS OF COMPANY, CONFIDENTIALITY — INSPECTION, WHEN — VIOLATION, PENALTY. — 1.** The books and records of a family trust company are confidential and shall be made available for inspection and examination only:

- (1) To the secretary or the secretary's authorized representative;
- (2) To any person authorized to act for the family trust company;
- (3) As compelled by a court, pursuant to a subpoena issued in accordance with state or federal law. Before the production of the books and records, the party seeking production shall agree to reimburse the company for the reasonable costs and fees incurred in compliance with the production. If the parties disagree on the amount of reimbursement, the party seeking the records may request the court that issued the subpoena to set the amount of reimbursement;
- (4) Pursuant to a subpoena held by any federal or state law enforcement or prosecutorial instrumentality authorized to investigate suspected criminal activity;
- (5) As authorized by, if a corporation, the board of directors or, if a limited liability company, the managers; or
- (6) As provided under subsection 2 of this section.

2. (1) If a corporation, each customer and stockholder, or, if a limited liability company, each member has the right to inspect the books and records of a family trust company as they pertain to such person's accounts or the determination of such person's voting rights.

(2) The books and records pertaining to customers, members, and stockholders of a family trust company shall be kept confidential by the company and its directors, managers, officers, and employees. The books and records of customers, members, and stockholders shall not be released except upon the express authorization of the customer as to his or her own accounts or a stockholder or member regarding his or her voting rights. However, information may be released without the authorization of a customer, member, or shareholder in a manner prescribed by the board of directors of a corporation or managers of a limited liability company for the purposes of verifying or

corroborating the existence or amount of a customer's account if such information is reasonably provided to meet the needs of commerce and to ensure accurate credit information. Notwithstanding this subdivision, this subsection shall not prohibit a family trust company from disclosing financial information as permitted under 15 U.S.C. Section 6802, as amended.

(3) The willful unlawful disclosure of confidential information in violation of this section shall be a class E felony.

(4) This subsection shall not apply to a foreign family trust company. The laws of the jurisdiction in which a foreign family trust company was incorporated or organized govern the rights of its customers, members, and stockholders to inspect its books and records.

3. For purposes of this section, the term "books and records" shall include, but is not limited to, the initial registration documents of a family trust company under section 362.1030 and the annual registration report made by a family trust company under section 362.1055.

**362.1110. PRINCIPAL PLACE OF BUSINESS — RETENTION OF RECORDS — IN CAMERA INSPECTION, WHEN. — 1.** A family trust company shall keep at its principal place of business or principal place of operations:

(1) Full and complete records of the names and residences of all its shareholders or members;

(2) The number of shares or membership units held by each, as applicable; and

(3) The ownership percentage of each shareholder or member.

The records are subject to inspection by all shareholders or members of the family trust company and the secretary or the secretary's authorized representative during the normal business hours of the family trust company. A current list of shareholders or members shall be made available to the secretary or the secretary's authorized representative for their inspection and, upon the request of the secretary, shall be submitted to the secretary.

2. The secretary shall retain for at least ten years:

(1) Examination reports;

(2) Investigatory records;

(3) The organizational instrument of a family trust company; and

(4) The annual registration reports filed by a family trust company.

3. A copy of any document on file with the secretary that is certified by the secretary as a true copy may be introduced in evidence as if it were the original. The secretary shall establish a schedule of fees for preparing true copies of documents.

4. Orders issued by courts or administrative law judges for the production of confidential records or information shall provide for inspection in camera by the court or the administrative law judge. If the court or administrative law judge determines that the documents requested are relevant or would likely lead to the discovery of admissible evidence, the documents shall be subject to further orders by the court or the administrative law judge to protect the confidentiality thereof. An order directing the release of information shall be immediately reviewable, and a petition by the secretary for review of the order shall automatically stay any further proceedings in a trial court or administrative hearing until the disposition of the petition by the reviewing court. If any other party files a petition for review, such filing shall stay proceedings only upon an order of the reviewing court.

**362.1115. INFORMATION EXEMPT FROM SUNSHINE LAW — DISCLOSURE, WHEN — VIOLATION, PENALTY. — 1.** The following information held by the secretary is confidential and exempt from chapter 610:

(1) Any personal identifying information appearing in records relating to a registration or an annual certification of a family trust company;

(2) Any personal identifying information appearing in records relating to an examination of a family trust company;

(3) Any personal identifying information appearing in reports of examinations, operations, or conditions of a family trust company, including working papers;

(4) Any portion of a list of names of the shareholders or members of a family trust company;

(5) Information received by the secretary from a person from another state or nation or the federal government that is otherwise confidential or exempt under the laws of such state or nation or under federal law; and

(6) An emergency cease and desist order issued under section 362.1090 until the emergency order is made permanent, unless the secretary finds that such confidentiality will result in substantial risk of financial loss to the public.

2. Information made confidential and exempt under subsection 1 of this section may be disclosed by the secretary to:

(1) The authorized representative or representatives of the family trust company under examination. The authorized representative or representatives shall be identified in a resolution or by written consent of the board of directors if a corporation or the managers if a limited liability company;

(2) A fidelity insurance company upon written consent of the family trust company's board of directors if a corporation or its managers if a limited liability company;

(3) An independent auditor upon written consent of the family trust company's board of directors if a corporation or its managers if a limited liability company;

(4) A liquidator, receiver, or conservator if appointed. However, any portion of the information that discloses the identity of a bondholder, customer, family member, member, or stockholder shall be redacted by the secretary before releasing such information;

(5) Any other state, federal, or foreign agency responsible for the regulation or supervision of family trust companies;

(6) A law enforcement agency in the furtherance of such agency's official duties and responsibilities;

(7) The appropriate law enforcement or prosecutorial agency for the purpose of reporting any suspected criminal activity; or

(8) Comply with a legislative subpoena. A legislative body or committee that receives records or information pursuant to such subpoena shall maintain the confidential status of such records or information. However, in a case involving the investigation of charges against a public official subject to impeachment or removal, records or information may be disclosed to the extent necessary as determined by the legislative body or committee.

3. This section shall not prevent or restrict the publication of:

(1) A report required by federal law; or

(2) The name of the family trust company and the address of its registered agent.

4. The willful disclosure of information made confidential and exempt by this section is a class E felony.

**362.1116. RULEMAKING AUTHORITY.** — The secretary may issue forms and orders and, after notice and comment, may adopt and amend rules necessary or appropriate to carry out the provisions of sections 362.1010 to 362.1117 and may repeal rules and forms.

**362.1117. HEARING FOR AGGRIEVED INTERESTED PERSONS — JUDICIAL REVIEW FOR CEASE AND DESIST ORDERS AND RULES.** — 1. Except as otherwise provided in sections 362.1010 to 362.1117, any interested person aggrieved by any order of the secretary or

secretary's designee under any provision of sections 362.1010 to 362.1117 shall be entitled to a hearing before the secretary or the secretary's authorized representative in accordance with the provisions of chapter 536. A cease and desist order issued by the secretary or secretary's designee is subject to judicial review in accordance with the provisions of chapter 536 in the circuit court of Cole County.

2. A rule adopted under sections 362.1010 to 362.1117 is subject to judicial review in accordance with the provisions of chapter 536 in the circuit court of Cole County.

**362.1118. SEVERABILITY CLAUSE.** — If any provision of sections 362.1010 to 362.1117 or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of sections 362.1010 to 362.1117 that can be given effect without the invalid provision or application, and to this end the provisions of sections 362.1010 to 362.1117 are severable.

**365.100. LATE PAYMENT CHARGES, INTEREST ON DELINQUENT PAYMENTS, ATTORNEY FEES — DISHONORED OR INSUFFICIENT FUNDS FEE — CONVENIENCE FEE IMPOSED, WHEN.** — 1. For contracts entered into on or after August 28, 2005, if the contract so provides, the holder thereof may charge, finance, and collect:

(1) A charge for late payment on each installment or minimum payment in default for a period of not less than fifteen days in an amount not to exceed five percent of each installment due or the minimum payment due or twenty-five dollars, whichever is less; except that, a minimum charge of ten dollars may be made, or when the installment is for twenty-five dollars or less, a charge for late payment for a period of not less than fifteen days shall not exceed five dollars, provided, however, that a minimum charge of one dollar may be made;

(2) Interest on each delinquent payment at a rate which shall not exceed the highest lawful contract rate. In addition to such charge, the contract may provide for the payment of attorney fees not exceeding fifteen percent of the amount due and payable under the contract where the contract is referred for collection to any attorney not a salaried employee of the holder, plus court costs;

(3) A dishonored or insufficient funds check fee equal to such fee as provided in section 408.653, in addition to fees charged by a bank for each check, draft, order or like instrument which is returned unpaid; and

(4) All other reasonable expenses incurred in the origination, servicing, and collection of the amount due under the contract.

2. A holder of a contract may impose a convenience fee for payments using an alternative payment channel that accepts a debit or credit card not present transaction, non-face-to-face payment, provided that:

(a) The person making the payment is notified of the convenience fee; and

(b) The fee is fixed or flat, except that the fee may vary based upon method of payment used.

**374.191. INTEREST RATE ON CERTAIN CLAIMS, REFUNDS, PENALTIES, OR PAYMENTS UNDER LEGAL OR REMEDIAL ACTIONS — INAPPLICABLE, WHEN.** — 1. If an insurance company is required to pay interest on any claims, refunds, penalties, or payments under a market conduct examination, investigation, stipulation of settlement agreement, voluntary forfeiture agreement, or any other legal or remedial action ordered by the department under any law of this state, in which the interest rate is not provided for by law, such claims, refunds, penalties, or payments shall bear interest at the annual adjusted prime rate of interest as determined by section 32.065, but under no circumstance shall such interest rate exceed nine percent per annum.

2. The provisions of this section shall not apply to payments subject to the provisions of section 376.383 nor any other statute in which the interest rate is specified.

**408.140. ADDITIONAL CHARGES OR FEES PROHIBITED, EXCEPTIONS — NO FINANCE CHARGES IF PURCHASES ARE PAID FOR WITHIN CERTAIN TIME LIMIT, EXCEPTION.** — 1. No further or other charge or amount whatsoever shall be directly or indirectly charged, contracted for or received for interest, service charges or other fees as an incident to any such extension of credit except as provided and regulated by sections 367.100 to 367.200 and except:

(1) On loans for thirty days or longer which are other than "open-end credit" as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, a fee, not to exceed ten percent of the principal amount loaned not to exceed one hundred dollars may be charged by the lender; however, no such fee shall be permitted on any extension, refinance, restructure or renewal of any such loan, unless any investigation is made on the application to extend, refinance, restructure or renew the loan;

(2) The lawful fees actually and necessarily paid out by the lender to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter; however, premiums for insurance in lieu of perfecting a security interest required by the lender may be charged if the premium does not exceed the fees which would otherwise be payable;

(3) If the contract so provides, a charge for late payment on each installment or minimum payment in default for a period of not less than fifteen days in an amount not to exceed five percent of each installment due or the minimum payment due or fifteen dollars, whichever is greater, not to exceed fifty dollars. If the contract so provides, a charge for late payment on each twenty-five dollars or less installment in default for a period of not less than fifteen days shall not exceed five dollars;

(4) If the contract so provides, a charge for late payment for a single payment note in default for a period of not less than fifteen days in an amount not to exceed five percent of the payment due; provided that, the late charge for a single payment note shall not exceed fifty dollars;

(5) Charges or premiums for insurance written in connection with any loan against loss of or damage to property or against liability arising out of ownership or use of property as provided in section 367.170; however, notwithstanding any other provision of law, with the consent of the borrower, such insurance may cover property all or part of which is pledged as security for the loan, and charges or premiums for insurance providing life, health, accident, or involuntary unemployment coverage;

(6) Reasonable towing costs and expenses of retaking, holding, preparing for sale, and selling any personal property in accordance with ~~section 400.9~~ **the uniform commercial code-secured transactions, sections 400.9-101 to 400.9-809;**

(7) Charges assessed by any institution for processing a refused instrument plus a handling fee of not more than twenty-five dollars;

(8) If the contract or promissory note, signed by the borrower, provides for attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the amount due and payable under such contract or promissory note, together with any court costs assessed. The attorney fees shall only be applicable where the contract or promissory note is referred for collection to an attorney, and is not handled by a salaried employee of the holder of the contract;

(9) Provided the debtor agrees in writing, the lender may collect a fee in advance for allowing the debtor to defer up to three monthly loan payments, so long as the fee is no more than the lesser of fifty dollars or ten percent of the loan payments deferred, no extensions are made until the first loan payment is collected and no more than one deferral in a twelve-month period is agreed to and collected on any one loan; this subdivision applies to nonprecomputed loans only and does not affect any other subdivision;

(10) If the open-end credit contract is tied to a transaction account in a depository institution, such account is in the institution's assets and such contract provides for loans of thirty-one days or longer which are "open-end credit", as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, the creditor may charge a credit advance fee

of up to the lesser of seventy-five dollars or ten percent of the credit advanced from time to time from the line of credit; such credit advance fee may be added to the open-end credit outstanding along with any interest, and shall not be considered the unlawful compounding of interest as ~~that term is defined in~~ **specified under** section 408.120;

(11) A deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower's consent, provided the cost of the product is disclosed in the loan contract, is reasonable, and the requirements of section 408.380 are met;

**(12) A convenience fee for payments using an alternative payment channel that accepts a debit or credit card not present transaction, non-face-to-face payment, provided that:**

**(a) The person making the payment is notified of the convenience fee; and**

**(b) The fee is fixed or flat, except that the fee may vary based upon method of payment used.**

2. Other provisions of law to the contrary notwithstanding, an open-end credit contract under which a credit card is issued by a company, financial institution, savings and loan or other credit issuing company whose credit card operations are located in Missouri may charge an annual fee, provided that no finance charge shall be assessed on new purchases other than cash advances if such purchases are paid for within twenty-five days of the date of the periodic statement therefor.

3. Notwithstanding any other provision of law to the contrary, in addition to charges allowed pursuant to section 408.100, an open-end credit contract provided by a company, financial institution, savings and loan or other credit issuing company which is regulated pursuant to this chapter may charge an annual fee not to exceed fifty dollars.

**408.330. DELINQUENCY AND COLLECTION CHARGES PERMITTED — INSURANCE PREMIUM IN LIEU OF PERFECTING SECURITY INTEREST AUTHORIZED — ATTORNEY FEES — CONSOLIDATION OF CONTRACTS — CONVENIENCE FEE, WHEN. — 1.** If a retail time contract or a retail charge agreement so provides, the holder thereof may charge and collect:

(1) A premium for insurance in lieu of charges for perfecting a security interest required by the lender if the premium does not exceed the fees which would otherwise be payable;

(2) Charges assessed by any institution for processing a refused instrument plus a handling fee of not more than fifteen dollars;

(3) A delinquency and collection charge on each installment in default for a period of not less than ten days in an amount not to exceed ten dollars or five dollars when the monthly installment is less than twenty-five dollars; or

(4) Interest on each delinquent payment thereunder at a rate which will not exceed the highest lawful contract rate. In addition to such delinquency charge, the contract may provide for the payment of attorney fees not exceeding fifteen percent of the amount due and payable under such contract where such contract is referred for collection to an attorney not a salaried employee of the holder of the contract and for court costs.

2. The parties to a retail time contract who have entered into more than one contract at substantially different times may agree to consolidate such contracts resulting in a single schedule of payments; provided, however, that the time charge on the new unpaid balance shall not exceed the maximum specified in section 408.300.

**3. A holder of a contract may impose a convenience fee for payments using an alternative payment channel that accepts a debit or credit card not present transaction, non-face-to-face payment, provided that:**

**(a) The person making the payment is notified of the convenience fee; and**

**(b) The fee is fixed or flat, except that the fee may vary based upon method of payment used.**

**443.812. ONE LICENSE ISSUED TO EACH BROKER — RECORD REQUIRED OF LOCATIONS WHERE ANY BUSINESS IS CONDUCTED — SUPERVISION REQUIREMENTS — WAIVER OF LICENSURE, WHEN — MANUFACTURED OR MODULAR HOME LOANS.** — 1. Only one license shall be issued to each person conducting the activities of a residential mortgage loan broker. A residential mortgage loan broker shall register with the director each office, place of business or location in Missouri where the residential mortgage loan broker conducts any part of the residential mortgage loan broker's business pursuant to section 443.839.

2. Residential mortgage loan brokers may only solicit, broker, fund, originate, serve and purchase residential mortgage loans in conformance with sections 443.701 to 443.893 and such rules as may be promulgated by the director.

3. No residential mortgage loan broker shall permit an unlicensed individual to engage in the activities of a mortgage loan originator and no residential mortgage loan broker shall permit a mortgage loan originator to engage in the activities of a mortgage loan originator under the supervision of the residential mortgage loan broker until that mortgage loan originator is shown to be employed by the residential mortgage loan broker as provided in this section.

4. Each residential mortgage loan broker shall report and file a listing with the director showing each mortgage loan originator licensed in Missouri and employed under the supervision of the residential mortgage loan broker. The listing shall show the name and unique identifier of each mortgage loan originator. The listing shall be updated with changes and filed no later than the next business day. The director may authorize a system of reporting that shows mortgage loan originators employed by Missouri residential mortgage loan brokers via the NMLSR in substitution for the report and filing requirement under this subsection.

5. The director may grant waivers of residential mortgage loan broker licensing requirements for persons engaged primarily in servicing residential mortgage loans where such waiver shall benefit borrowers including in particular the requirement to maintain a full-service office in Missouri.

**6. (1) The provisions of this subsection shall apply only to residential mortgage loan brokers exclusively making loans on manufactured or modular homes.**

**(2) A residential mortgage loan broker licensed in this state shall not be required to maintain a full-service office in Missouri; however, nothing in this subsection shall be construed as relieving a broker of the requirement to be licensed in this state and to obtain a certificate of authority to transact business in this state from the secretary of state.**

**(3) A residential mortgage loan broker licensed in this state who does not maintain a full-service office in Missouri shall file with the license application an irrevocable consent in a form to be determined by the director, duly acknowledged, which provides that, for suits and actions commenced against the broker in the courts of this state and, if necessary, for actions brought against the broker, the venue shall lie in the circuit court of Cole County.**

**(4) The director may assess the reasonable costs of any investigation incurred by the division that are outside the normal expense of any annual or special examination or any other costs incurred by the division as a result of a licensed residential mortgage loan broker who does not maintain a full-service office in Missouri. All costs assessed under this subsection shall be paid to the director of the department of insurance, financial institutions and professional registration and shall be deposited into the credit of the division of finance.**

~~**[362.280. EXAMINATION BY DIRECTORS — EXCEPTIONS.** — 1. The board of directors of every bank and trust company at least once in each year and whenever and as often as required by the director, and within thirty days after notice from him, shall examine or cause a committee of at least three of its members or stockholders to examine fully the books, papers and affairs of the bank, and the loans and discounts and~~

acceptances thereof, and particularly the loans or discounts or acceptances made directly or indirectly to its officers or directors, or for the benefit of these officers or directors, or for the benefit of other corporations of which these officers or directors are also officers or directors, or in which they have a beneficial interest as stockholders, creditors, or otherwise, with the special view of ascertaining their safety and present value, and the value of the collateral security, if any, held in connection therewith, and into such other matters as the director may require, provided, however, that no examination shall be required of a bank or trust company which is a member of the Federal Reserve System or of a bank or trust company whose deposits are insured by the Federal Deposit Insurance Corporation.

— 2. The directors or committee of stockholders shall have the power to employ such assistance in making such examination as they may deem necessary.]

**[362.285. REPORT OF DIRECTORS' EXAMINATION — PENALTY. — 1.** Within ten days succeeding any examination made pursuant to the requirements of section 362.280, a report in writing thereof, sworn to by the directors or stockholders making the same, shall be made to the board of directors of the bank or trust company, and placed on file in the bank or trust company, and a duplicate thereof filed in the office of the finance director.

— 2. The report shall particularly contain a statement of the assets and liabilities of the bank or trust company examined, as shown by the books, together with such deductions from the assets, and the addition of the liabilities, direct, indirect, contingent or otherwise, as the directors or committee, after the examination, may find necessary in order to determine the true condition of the bank or trust company. It shall also contain a statement showing in detail every known liability to the bank or trust company, direct or indirect, contingent or otherwise, of every officer or director thereof and of every corporation in which the officer or director owns stock to the amount of twenty-five percent of the total outstanding stock, or of which the officer or director is also an officer or director. It shall also contain a statement, in detail, of loans, if any, which in their opinion are doubtful or worthless, together with their reasons for so regarding them; also a statement of loans made on collateral security which in their opinion are insufficiently secured, giving in each case the amount of the loan, the name and market value of the collateral, if it has any market value, and, if not, a statement of that fact, and its actual value as nearly as possible. The report shall also contain a statement of overdrafts, of the names and amounts of the ones considered worthless or doubtful, and a full statement of such other matters as affect the solvency and soundness of the institution.

— 3. If the directors of any bank or trust company shall fail to make, or to cause to be made or to file the report of examination in the manner and within the time specified, the bank or trust company shall forfeit to the state one hundred dollars for every day such report shall be delayed.]

Approved July 11, 2017

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HB 336 [HB 336]

**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 riders, endorsements, and amendments to life insurance policies may contain suicide exclusions or limitations**

AN ACT to repeal section 376.620, RSMo, and to enact in lieu thereof one new section relating to life insurance.

SECTION

- A. Enacting clause.  
376.620. Suicide, effect on liability — refund of premiums, when.

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

**SECTION A. ENACTING CLAUSE.** — Section 376.620, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 376.620, to read as follows:

**376.620. SUICIDE, EFFECT ON LIABILITY — REFUND OF PREMIUMS, WHEN.** — 1. Any life insurance **policy, rider, endorsement, amendment, or certificate** issued or delivered in this state may exclude or restrict liability **under such policy, rider, endorsement, amendment, or certificate [øf]** for death as the result of suicide in the event the insured, while sane or insane, dies as a result of suicide within one year from the date of the issue of **[the] such policy, rider, endorsement, amendment, or certificate**. **If an insured applies for additional death benefits or an increase in death benefits after initial coverage commences, the policy, rider, endorsement, amendment, or certificate may provide for an exclusion for suicide that occurs within one year after any addition or increase in death benefits only to the extent of the additional or increased death benefits.** Any such exclusion or restriction shall be clearly stated in **[the] such policy, rider, endorsement, amendment, or certificate**.

2. Any life insurance policy, **rider, endorsement, amendment, or certificate** which contains any exclusion or restriction under subsection 1 of this section shall also provide that in the event the insured dies as a result of suicide within one year from the date of issue of **[the] such policy, rider, endorsement, amendment, or certificate** that the insurer shall promptly refund all premiums paid for **the excluded or restricted** coverage on such insured.

Approved July 5, 2017

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HB 339 [SS SCS HCS HBs 339 & 714]

**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 tort claims**

AN ACT to repeal section 537.065, RSMo, and to enact in lieu thereof two new sections relating to the settlement of tort claims.

SECTION

- A. Enacting clause.  
537.058. Personal injury, bodily injury, or wrongful death, time-limited demand to settle, requirements.
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537.065. Claimant and tort-feasor may contract to limit recovery to specified assets or insurance contract — effect — notice.

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

**SECTION A. ENACTING CLAUSE.** — Section 537.065, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 537.058 and 537.065, to read as follows:

**537.058. PERSONAL INJURY, BODILY INJURY, OR WRONGFUL DEATH, TIME-LIMITED DEMAND TO SETTLE, REQUIREMENTS.** — **1. As used in this section, the following terms shall mean:**

(1) "Extra-contractual damages", any amount of damage that exceeds the total available limit of liability insurance for all of a liability insurer's liability insurance policies applicable to a claim for personal injury, bodily injury, or wrongful death;

(2) "Time-limited demand", any offer to settle any claim for personal injury, bodily injury, or wrongful death made by or on behalf of a claimant to a tort-feasor with a liability insurance policy for purposes of settling a claim against such tort-feasor within the insurer's limit of liability insurance, which by its terms must be accepted within a specified period of time;

(3) "Tort-feasor", any person claimed to have caused or contributed to cause personal injury, bodily injury, or wrongful death to a claimant.

2. A time-limited demand to settle any claim for personal injury, bodily injury, or wrongful death shall be in writing, shall reference this section, shall be sent certified mail return-receipt requested to the tort-feasor's liability insurer, and shall contain the following material terms:

(1) The time period within which the offer shall remain open for acceptance by the tort-feasor's liability insurer, which shall not be less than ninety days from the date such demand is received by the liability insurer;

(2) The amount of monetary payment requested or a request for the applicable policy limits;

(3) The date and location of the loss;

(4) The claim number, if known;

(5) A description of all known injuries sustained by the claimant;

(6) The party or parties to be released if such time-limited demand is accepted;

(7) A description of the claims to be released if such time-limited demand is accepted;

and

(8) An offer of unconditional release for the liability insurer's insureds from all present and future liability for that occurrence under section 537.060.

3. Such time-limited demand shall be accompanied by:

(1) A list of the names and addresses of health care providers who provided treatment to or evaluation of the claimant or decedent for injuries suffered from the date of injury until the date of the time-limited demand, and HIPAA compliant written authorizations sufficient to allow the liability insurer to obtain such records from the health care providers listed; and

(2) A list of the names and addresses of all the claimant's employers at the time the claimant was first injured until the date of the time-limited demand, and written authorizations sufficient to allow the liability insurer to obtain such records from all employers listed, if the claimant asserts a loss of wages, earnings, compensation, or profits however denominated.

4. If a liability insurer with the right to settle on behalf of an insured receives a time-limited demand, such insurer may accept the time-limited demand by providing written acceptance of the material terms outlined in subsection 2 of this section, delivered or

postmarked to the claimant or the claimant's representative within the time period set in the time-limited demand.

5. Nothing in this section shall prohibit a claimant making a time-limited demand from requiring payment within a specified period; provided, however, that such period for payment shall not be less than ten days after the insurer's receipt of a fully executed unconditional release under section 537.060 as specified in subsection 2 of this section.

6. Nothing in this section applies to offers or demands or time-limited demands issued within ninety days of the trial by jury of any claim on which a lawsuit has been filed.

7. In any lawsuit filed by a claimant as an assignee of the tort-feasor or by the tort-feasor for the benefit of the claimant, a time-limited demand that does not comply with the terms of this section shall not be considered as a reasonable opportunity to settle for the insurer and shall not be admissible in any lawsuit alleging extra-contractual damages against the tort-feasor's liability insurer.

**537.065. CLAIMANT AND TORT-FEASOR MAY CONTRACT TO LIMIT RECOVERY TO SPECIFIED ASSETS OR INSURANCE CONTRACT—EFFECT—NOTICE.** — 1. Any person having an unliquidated claim for damages against a tort-feasor, on account of **personal injuries**, bodily injuries, or death, **provided that, such tort-feasor's insurer or indemnitor has the opportunity to defend the tort-feasor without reservation but refuses to do so**, may enter into a contract with such tort-feasor or any insurer ~~in~~ on his or her behalf or both, whereby, in consideration of the payment of a specified amount, the person asserting the claim agrees that in the event of a judgment against the tort-feasor, neither ~~he~~ **such person** nor any **other** person, firm, or corporation claiming by or through him or her will levy execution, by garnishment or as otherwise provided by law, except against the specific assets listed in the contract and except against any insurer which insures the legal liability of the tort-feasor for such damage and which insurer is not excepted from execution, garnishment or other legal procedure by such contract. Execution or garnishment proceedings in aid thereof shall lie only as to assets of the tort-feasor specifically mentioned in the contract or the insurer or insurers not excluded in such contract. Such contract, when properly acknowledged by the parties thereto, may be recorded in the office of the recorder of deeds in any county where a judgment may be rendered, or in the county of the residence of the tort-feasor, or in both such counties, and if the same is so recorded then such tort-feasor's property, except as to the assets specifically listed in the contract, shall not be subject to any judgment lien as the result of any judgment rendered against the tort-feasor, arising out of the transaction for which the contract is entered into.

2. Before a judgment may be entered against any tort-feasor after such tort-feasor has entered into a contract under this section, the insurer or insurers shall be provided with written notice of the execution of the contract and shall have thirty days after receipt of such notice to intervene as a matter of right in any pending lawsuit involving the claim for damages.

3. The provisions of this section shall apply to any covenant not to execute or any contract to limit recovery to specified assets, regardless of whether it is referred to as a contract under this section.

4. Nothing in this section shall be construed to prohibit an insured from bringing a separate action asserting that the insurer acted in bad faith.

Approved July 5, 2017

HB 451 [HCS HB 451]

**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 a change in population shall not remove a city, county, or political subdivision from the operation of a law**

AN ACT to repeal section 1.100, RSMo, and to enact in lieu thereof one new section relating to population designations in statutes.

SECTION

- A. Enacting clause.  
1.100. Population, how determined — effective date of census — change in population, effect of.

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

**SECTION A. ENACTING CLAUSE.** — Section 1.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 1.100, to read as follows:

**1.100. POPULATION, HOW DETERMINED — EFFECTIVE DATE OF CENSUS — CHANGE IN POPULATION, EFFECT OF.** — 1. The population of any political subdivision of the state for the purpose of representation or other matters including the ascertainment of the salary of any county officer for any year or for the amount of fees he may retain or the amount he is allowed to pay for deputies and assistants is determined on the basis of the last previous decennial census of the United States. For the purposes of this section the effective date of the 1960 decennial census of the United States is July 1, 1961, and the effective date of each succeeding decennial census of the United States is July first of each tenth year after 1961; except that for the purposes of ascertaining the salary of any county officer for any year or for the amount of fees he may retain or the amount he is allowed to pay for deputies and assistants the effective date of the 1960 decennial census of the United States is January 1, 1961, and the effective date of each succeeding decennial census is January first of each tenth year after 1961.

2. Any law which is limited in its operation to counties, cities or other political subdivisions having a specified population or a specified assessed valuation shall be deemed to include all counties, cities or political subdivisions which thereafter acquire such population or assessed valuation as well as those in that category at the time the law passed. Once a city ~~[not located in a]~~ , county, or political subdivision has come under the operation of such a law a subsequent ~~[less of]~~ change in population shall not remove that city, county, or political subdivision from the operation of that law **regardless of whether the city, county, or political subdivision comes under the operation of the law after the law was passed.** No person whose compensation is set by a statutory formula, which is based in part on a population factor, shall have his compensation reduced due solely to an increase in the population factor.

Approved July 7, 2017

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HB 452 [SS HCS HB 452]

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

**Modifies definitions of "employee" and "physician employee" in actions against health care providers for personal injury or death**

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AN ACT to repeal sections 538.205 and 538.210, RSMo, and to enact in lieu thereof two new sections relating to the liability of an employee of a health care provider.

## SECTION

- A. Enacting clause.  
 538.205. Definitions.  
 538.210. No common law cause of action — limitation on noneconomic damages — jury not to be informed of limit — limit — punitive damages, requirements — annual increase on damages limit, amount — nonseverability clause.

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

**SECTION A. ENACTING CLAUSE.** — Sections 538.205 and 538.210, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 538.205 and 538.210, to read as follows:

**538.205. DEFINITIONS.** — As used in sections 538.205 to 538.230, the following terms shall mean:

- (1) "Catastrophic personal injury", a physical injury resulting in:
  - (a) Quadriplegia defined as the permanent loss of functional use of all four limbs;
  - (b) Paraplegia defined as the permanent loss of functional use of two limbs;
  - (c) Loss of two or more limbs;
  - (d) An injury to the brain that results in permanent cognitive impairment resulting in the permanent inability to make independent decisions or engage in one or more of the following activities of daily living: eating, dressing, bathing, toileting, transferring, and walking;
  - (e) An injury that causes irreversible failure of one or more major organ systems; or
  - (f) Vision loss such that the patient's central visual acuity is no more than twenty/two-hundred in the better eye with the best correction or whose field of vision in the better eye is restricted to a degree that its widest diameter subtends an angle no greater than twenty degrees;
- (2) "Economic damages", damages arising from pecuniary harm including, without limitation, medical damages, and those damages arising from lost wages and lost earning capacity;
- (3) **"Employee", any individual who is directly compensated by a health care provider for health care services rendered by such individual and other nonphysician individuals who are supplied to a health care provider by an entity that provides staffing;**
- (4) "Equitable share", the share of a person or entity in an obligation that is the same percentage of the total obligation as the person's or entity's allocated share of the total fault, as found by the trier of fact;
- ~~[(4)]~~ (5) "Future damages", damages that the trier of fact finds will accrue after the damages findings are made;
- ~~[(5)]~~ (6) "Health care provider", any physician, hospital, health maintenance organization, ambulatory surgical center, long-term care facility including those licensed under chapter 198, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor, professional physical therapist, psychologist, physician-in-training, and any other person or entity that provides health care services under the authority of a license or certificate;
- ~~[(6)]~~ (7) "Health care services", any services that a health care provider renders to a patient in the ordinary course of the health care provider's profession or, if the health care provider is an institution, in the ordinary course of furthering the purposes for which the institution is organized. Professional services shall include, but are not limited to, transfer to a patient of goods or services incidental or pursuant to the practice of the health care provider's profession or in furtherance of the purposes for which an institutional health care provider is organized;
- ~~[(7)]~~ (8) "Medical damages", damages arising from reasonable expenses for necessary drugs, therapy, and medical, surgical, nursing, x-ray, dental, custodial and other health and rehabilitative services;

~~[(8)]~~ (9) "Noneconomic damages", damages arising from nonpecuniary harm including, without limitation, pain, suffering, mental anguish, inconvenience, physical impairment, disfigurement, loss of capacity to enjoy life, and loss of consortium but shall not include punitive damages;

~~[(9)]~~ (10) "Past damages", damages that have accrued when the damages findings are made;

~~[(10)]~~ "Physician employee", any person or entity who works for hospitals for a salary or under contract and who is covered by a policy of insurance or self-insurance by a hospital for acts performed at the direction or under control of the hospital;]

(11) "Punitive damages", damages intended to punish or deter willful, wanton or malicious misconduct, including exemplary damages and damages for aggravating circumstances;

(12) "Self-insurance", a formal or informal plan of self-insurance or no insurance of any kind.

**538.210. NO COMMON LAW CAUSE OF ACTION — LIMITATION ON NONECONOMIC DAMAGES — JURY NOT TO BE INFORMED OF LIMIT — LIMIT — PUNITIVE DAMAGES, REQUIREMENTS — ANNUAL INCREASE ON DAMAGES LIMIT, AMOUNT — NONSEVERABILITY CLAUSE.** — 1. A statutory cause of action for damages against a health care provider for personal injury or death arising out of the rendering of or failure to render health care services is hereby created, replacing any such common law cause of action. The elements of such cause of action are that the health care provider failed to use that degree of skill and learning ordinarily used under the same or similar circumstances by members of the defendant's profession and that such failure directly caused or contributed to cause the plaintiff's injury or death.

2. (1) In any action against a health care provider for damages for personal injury arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than four hundred thousand dollars for noneconomic damages irrespective of the number of defendants.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, in any action against a health care provider for damages for a catastrophic personal injury arising out of the rendering or failure to render health care services, no plaintiff shall recover more than seven hundred thousand dollars for noneconomic damages irrespective of the number of defendants.

(3) In any action against a health care provider for damages for death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than seven hundred thousand dollars for noneconomic damages irrespective of the number of defendants.

3. (1) ~~[Such limitation]~~ **This section** shall also apply to any individual or entity, or their employees or agents, that provide, refer, coordinate, consult upon, or arrange for the delivery of health care services to the plaintiff; and

(2) Who is a defendant in a lawsuit brought against a health care provider under this chapter, or who is a defendant in any lawsuit that arises out of the rendering of or the failure to render health care services.

~~[(3) No individual or entity whose liability is limited by the provisions of this chapter shall be liable to any plaintiff based on the actions or omissions of any other entity or person who is not an employee of such individual or entity whose liability is limited by the provisions of this chapter.~~

~~Such limitation shall apply to all claims for contribution.]~~

**4. No health care provider whose liability is limited by the provisions of this chapter shall be liable to any plaintiff based on the actions or omissions of any other entity or individual who is not an employee of such health care provider, unless the individual is an employee of a subsidiary in which the health care provider has a controlling interest and the subsidiary does not carry a professional liability insurance policy or self-insurance covering said individual of at least one million dollars per occurrence and a professional**

**liability insurance policy or self-insurance covering said subsidiary of least one million dollars per occurrence.**

**5. The limitations on liability as provided for in this section shall apply to all claims for contribution.**

**6.** In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

~~[5.]~~ **7.** For purposes of sections 538.205 to 538.230, any spouse claiming damages for loss of consortium of their spouse shall be considered to be the same plaintiff as their spouse.

~~[6.]~~ **8.** Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.

~~[7.]~~ **9.** For purposes of sections 538.205 to 538.230, all individuals and entities asserting a claim for a wrongful death under section 537.080 shall be considered to be one plaintiff.

~~[8.]~~ **10.** The limitations on awards for noneconomic damages provided for in this section shall be increased by one and seven-tenths percent on an annual basis effective January first of each year. The current value of the limitation shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register on the first business day following January first, but the value shall otherwise be exempt from the provisions of section 536.021.

~~[9.]~~ **11.** In any claim for damages under this chapter, and upon post-trial motion following a jury verdict with noneconomic damages exceeding four hundred thousand dollars, the trial court shall determine whether the limitation in subsection 2 of this section shall apply based on the severity of the most severe injuries.

~~[10.]~~ **12.** If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of either section 1.010 or this section to be unconstitutional or unenforceable, then section 1.010 and this section, as amended by this act and in their entirety, are invalid and shall have no legal effect as of the date of such judgment, and this act, including its repealing clause, shall likewise be invalid and of no legal effect. In such event, the versions of sections 1.010 and this section that were in effect prior to the enactment of this act shall remain in force.

Approved June 30, 2017

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HB 662 [SCS HCS HB 662]

**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 misuse of herbicides**

AN ACT to amend chapter 281, RSMo, by adding thereto one new section relating to the misuse of herbicides, with penalty provisions and an emergency clause.

SECTION

A. Enacting clause.

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- 281.120. Herbicides, use on crops not labeled for — definitions — civil penalty, when — complaint investigation — rulemaking authority.
- B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 281, RSMo, is amended by adding thereto one new section, to be known as section 281.120, to read as follows:

**281.120. HERBICIDES, USE ON CROPS NOT LABELED FOR — DEFINITIONS — CIVIL PENALTY, WHEN — COMPLAINT INVESTIGATION — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms shall mean:**

(1) "Department", the department of agriculture;

(2) "Field", agricultural land, including any vegetation thereon, which is operated as part of a farm and which is separated from the rest of the farm by permanent boundaries including, but not limited to, fences, permanent waterways, woodlands, croplines not subject to change due to farming practices, and other similar features;

(3) "Herbicide", any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed;

(4) "Labeled", the same as "label and labeling" is defined under section 281.220.

2. If the department determines, after inquiry and opportunity for a hearing, that any person has knowingly used, as the term "use" is defined in section 281.020, a herbicide for a crop for which the herbicide was not labeled for use, which resulted in the herbicide drifting or coming into contact with another person's field, onto another person's personal property, onto another person's real property, or onto another person, which resulted in damage, the department shall have the authority to assess a civil penalty of not more than ten thousand dollars for each violation. If a person has violated the provisions of this subsection in two consecutive years or in two of the last three years, he or she shall be considered a chronic violator, and the department shall have the authority to assess a civil penalty of not more than twenty-five thousand dollars for each violation.

3. During an active complaint investigation, the department may subpoena witnesses and compel the production of records, including but not limited to, books, documents, and certification records of any person relating to the person's application of any herbicide to any field. If a person refuses to submit such information, the department may assess a civil penalty of up to five thousand dollars.

4. Any person who is penalized under the provisions of this section shall be liable for any reasonable costs associated with the department's investigation and shall remit such costs to the department, not to exceed the department's actual investigative expenses.

5. Any penalty collected under this section shall be remitted to the school district in which the violation occurred. If a person penalized under this section fails to pay the penalty or comply with a lawful subpoena issued under subsection 3 of this section, the department may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty.

6. The department, after inquiry and opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license, permit, or certification issued under sections 281.010 to 281.115 if it finds that the applicant or holder of such license, permit, or certification has violated any provision of this section or any regulation issued hereunder.

7. The department 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, 2017, shall be invalid and void.**

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to ensure the vitality of the agricultural industry in this state by preventing the devastating effects of the misuse of herbicides, the enactment of section 281.120 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 281.120 of section A of this act shall be in full force and effect upon its passage and approval.

Approved March 30, 2017

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HB 1194 [SS#2 HCS HBs 1194 & 1193]

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

**Prohibits political subdivisions from requiring a minimum wage that exceeds the requirements of state law**

AN ACT to repeal sections 285.055, 288.062, and 290.528, RSMo, and to enact in lieu thereof two new sections relating to the minimum wage.

**SECTION**

- A. Enacting clause.
- 288.062. "On" and "Off" indicators, state and national, how determined — extended benefits, defined — amount and how computed.
- 290.528. Minimum wage and employment benefits, limitations on political subdivisions.
- 285.055. Minimum wage and benefits, political subdivisions not to require employers to provide more than federal or state requirements — definitions.

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

**SECTION A. ENACTING CLAUSE.** — Sections 285.055, 288.062, and 290.528, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 288.062 and 290.528, to read as follows:

**288.062. "ON" AND "OFF" INDICATORS, STATE AND NATIONAL, HOW DETERMINED — EXTENDED BENEFITS, DEFINED — AMOUNT AND HOW COMPUTED.** — 1. As used in this section, unless the context clearly requires otherwise:

(1) "Extended benefit period" means a period which begins with the third week after a week for which there is a state "on" indicator, and ends with either of the following weeks, whichever occurs later:

(a) The third week after the first week for which there is a state "off" indicator; or

(b) The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state;

(2) There is a "state 'on' indicator" for this state for a week if the director determines, in accordance with the regulations of the United States Secretary of Labor, that for the period

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consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this law:

(a) a. Equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; and

b. Equaled or exceeded four percent for weeks beginning prior to or on September 25, 1982, or five percent for weeks beginning after September 25, 1982; except that, if the rate of insured unemployment as contemplated in this subdivision equals or exceeds five percent for weeks beginning prior to or on September 25, 1982, or six percent for weeks beginning after September 25, 1982, the determination of an "on" indicator shall be made under this subdivision as if this subdivision did not contain the provisions of subparagraph a. of paragraph (a) of this subdivision; or

(b) With respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before the week ending four weeks prior to the last week of unemployment for which one hundred percent federal sharing is available under the provisions of Public Law 111-5, Section 2005(a) or August 28, 2013, whichever should occur first:

a. The average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week equals or exceeds six and one-half percent; and

b. The average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the three-month period referred to in subparagraph a. of this paragraph, equals or exceeds one hundred and ten percent of such average for either or both of the corresponding three-month periods ending in the two preceding calendar years; or

c. Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Public Law 111-312, and ending on or before the last day allowable by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the three-month period referred to in subparagraph a. of this paragraph, equals or exceeds one hundred and ten percent of such average for any or all of the corresponding three-month periods ending in the three preceding calendar years;

(3) There is a "state 'off' indicator" for this state for a week if the director determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this law:

(a) Was less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; or

(b) Was less than four percent (five percent for weeks beginning after September 25, 1982); except, there shall not be an "off" indicator for any week in which an "on" indicator as contemplated in subparagraph b. of paragraph (a) of subdivision (2) of this subsection exists;

(4) "Rate of insured unemployment", for the purposes of subdivisions (2) and (3) of this subsection, means the percentage derived by dividing:

(a) The average weekly number of individuals filing claims for regular compensation in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the director on the basis of his or her reports to the United States Secretary of Labor, by

(b) The average monthly employment covered under this law for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period;

(5) "Regular benefits" means benefits payable to an individual under this law or under any other state law (including benefits payable to federal civilian employees and ex-servicemen pursuant to 5 U.S.C. Chapter 85) other than extended benefits;

(6) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his or her eligibility period;

(7) "Eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an extended benefit period and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period;

(8) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available to him or her under this law or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. Chapter 85) in his or her current benefit year that includes such week; provided, that, for the purposes of this paragraph, an individual shall be deemed to have received all of the regular benefits that were available to him or her although as a result of a pending appeal with respect to wages or employment, or both, that were not considered in the original monetary determination in his or her benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(b) Has received, prior to such week, all the regular compensation available to him or her in his or her current benefit year that includes such week under the unemployment compensation law of the state in which he or she files a claim for extended compensation or the unemployment compensation law of any other state after a cancellation of some or all of his or her wage credits or the partial or total reduction of his or her right to regular compensation; or

(c) His or her benefit year having expired prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular compensation by reason of a state law provision which meets the requirement of section 3304(a)(7) of the Internal Revenue Code of 1954; and

(d) a. Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if he or she is seeking such benefits and the appropriate agency finally determines that he or she is not entitled to benefits under such law he or she is considered an exhaustee;

(9) "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under Section 3304 of the Internal Revenue Code of 1954.

2. Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of this law which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

3. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his or her eligibility period only if the deputy finds that with respect to such week:

(1) He or she is an exhaustee as defined in subdivision (8) of subsection 1 of this section;

(2) He or she has satisfied the requirements of this law for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits; except that, in the case of a claim for benefits filed in another state, which is acting as an agent state under the Interstate Benefits Payment Plan as provided by regulation, which claim is based on benefit credits accumulated in this state, eligibility for extended benefits shall be limited to the first two compensable weeks unless there

is an extended benefit period in effect in both this state and the agent state in which the claim was filed;

(3) The other provisions of this law notwithstanding, as to new extended benefit claims filed after September 25, 1982, an individual shall be eligible to receive extended benefits with respect to any week of unemployment in his or her eligibility period only if the deputy finds that the total wages in the base period of his or her benefit year equal at least one and one-half times the wages paid during that quarter of his or her base period in which his or her wages were highest.

4. A claimant shall not be eligible for extended benefits following any disqualification imposed under subsection 1 or 2 of section 288.050, unless subsequent to the effective date of the disqualification, the claimant has been employed during at least four weeks and has earned wages equal to at least four times his or her weekly benefit amount.

5. For the purposes of determining eligibility for extended benefits, the term "suitable work" means any work which is within such individual's capabilities except that, if the individual furnishes satisfactory evidence that the prospects for obtaining work in his or her customary occupation within a reasonably short period are good, the determination of what constitutes suitable work shall be made in accordance with the provisions of subdivision (3) of subsection 1 of section 288.050. If a deputy finds that a person who is claiming extended benefits has refused to accept or to apply for suitable work, as defined in this subsection, or has failed to actively engage in seeking work subsequent to the effective date of his or her claim for extended benefits, that person shall be ineligible for extended benefits for the period beginning with the first day of the week in which such refusal or failure occurred. That ineligibility shall remain in effect until the person has been employed for at least four weeks after the week in which the refusal or failure occurred and has earned wages equal to at least four times his or her weekly benefit amount.

6. Extended benefits shall not be denied under subsection 5 of this section to any individual for any week by reason of a failure to accept an offer of or apply for suitable work if:

(1) The gross average weekly remuneration for such work does not exceed the individual's weekly benefit amount plus the amount of any supplemental unemployment benefits, as defined in section 501(c)(17)(d) of the Internal Revenue Code, payable to such individual for such week; or

(2) The position was not offered to such individual in writing or was not listed with the state employment service; or

(3) If the remuneration for the work offered is less than the minimum wage provided by Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, without regard to any exemption or any applicable ~~state or local~~ minimum wage **as provided in Section 202(a)(3)(D)(iv)(II) of the Federal-State Extended Unemployment Compensation Act of 1970**, whichever is the greater. **Pursuant to section 290.528, a local minimum wage is not authorized under state law.**

7. For the purposes of this section, an individual shall be considered as actively engaged in seeking work during any week with respect to which the individual has engaged in a systematic and sustained effort to obtain work as indicated by tangible evidence which the individual provides to the division.

8. Extended benefits shall not be denied for failure to apply for or to accept suitable work if such failure would not result in a denial of benefits under subdivision (3) of subsection 1 of section 288.050 to the extent that the provisions of subdivision (3) of subsection 1 of section 288.050 are not inconsistent with the provisions of subsections 5 and 6 of this section.

9. The division shall refer any claimant entitled to extended benefits under this law to any suitable work which meets the criteria established in subsections 5 and 6 of this section.

10. Notwithstanding other provisions of this chapter to the contrary, as to claims of extended benefits, subsections 4 to 9 of this section shall not apply to weeks of unemployment beginning after March 6, 1993, and before January 1, 1995. Entitlement to extended benefits for

weeks beginning after March 6, 1993, and before January 1, 1995, shall be determined in accordance with provisions of this chapter not excluded by this subsection.

11. "Weekly extended benefit amount." The weekly extended benefit amount payable to an individual for a week of total unemployment in his or her eligibility period shall be an amount equal to the weekly benefit amount payable to him or her during his or her applicable benefit year, reduced by a percentage equal to the percentage of the reduction in federal payments to states under Section 204 of the Federal State Extended Unemployment Compensation Act of 1970, in accord with any order issued under any law of the United States. Such weekly benefit amount, if not a multiple of one dollar, shall be reduced to the nearest lower full dollar amount.

12. (1) "Total extended benefit amount." The total extended benefit amount payable to any eligible individual with respect to his or her applicable benefit year shall be the lesser of the following amounts:

(a) Fifty percent of the total amount of regular benefits which were payable to him or her under this law in his or her applicable benefit year;

(b) Thirteen times his or her weekly benefit amount which was payable to him or her under this law for a week of total unemployment in the applicable benefit year.

(2) Notwithstanding subdivision (1) of this subsection, during any fiscal year in which federal payments to states under Section 204 of the Federal State Extended Unemployment Compensation Act of 1970 are reduced under any order issued under any law of the United States, the total extended benefit amount payable to an individual with respect to his or her applicable benefit year shall be reduced by an amount equal to the aggregate of the reductions under subsection 11 of this section in the weekly amounts paid to the individual.

(3) Notwithstanding the other provisions of this subsection, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for this subdivision, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received trade readjustment allowances under the Trade Act of 1974, as amended, within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

(4) (a) Effective with respect to weeks beginning in a high unemployment period, subdivision (1) of this subsection shall be applied by substituting:

a. Eighty percent for fifty percent in paragraph (a) of subdivision (1) of this subsection; and

b. Twenty times for thirteen times in paragraph (b) of subdivision (1) of this subsection.

(b) For purposes of paragraph (a) of this subdivision, the term "high unemployment period" means any period during which an extended benefit period would be in effect if subparagraph a. of paragraph (b) of subdivision (2) of subsection 1 of this section were applied by substituting eight percent for six and one-half percent.

13. (1) Whenever an extended benefit period is to become effective in this state as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator, the director shall make an appropriate public announcement.

(2) Computations required by the provisions of subdivision (4) of subsection 1 of this section shall be made by the director, in accordance with regulations prescribed by the United States Secretary of Labor.

**290.528. MINIMUM WAGE AND EMPLOYMENT BENEFITS, LIMITATIONS ON POLITICAL SUBDIVISIONS.** — [~~Any standards relating to minimum wages, maximum hours, overtime compensation or other working conditions in effect under any other law of this state on August 28, 1990, which are more favorable to employees than those applicable to employees under sections 290.500 to 290.530 or the regulations issued under sections 290.500 to 290.530, shall not be deemed to be amended, rescinded, or otherwise affected by sections 290.500 to 290.530 but shall continue in full force and effect and may be enforced as provided by law.] **1. As used in this section, the following terms shall mean:**~~

(1) "Employee", an individual employed in this state by an employer;  
 (2) "Employer", any individual, sole proprietorship, partnership, limited liability company, corporation, or any other entity that is legally doing business in this state; except that, the term "employer" shall not include any public employer, as defined in section 285.525;

(3) "Employment benefits", anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health, disability, retirement, profit-sharing, and death benefits; group accidental death and dismemberment benefits; paid or unpaid days off from work for holidays, sick leave, vacation, and personal necessity; and terms of employment, attendance, or leave policies;

(4) "Political subdivision", any municipality, special district, local governmental body, county, city, town, or village.

2. Notwithstanding any other provisions of law to the contrary, no political subdivision shall establish, mandate, or otherwise require an employer to provide to an employee:

- (1) A minimum or living wage rate; or
- (2) Employment benefits;

that exceed state laws, rules, or regulations. Sections 290.500 to 290.530 shall preempt and nullify all political subdivision ordinances, rules, and regulations currently in effect or later enacted relating to the establishment or enforcement of a minimum or living wage or the provision of employment benefits that exceed state laws, rules, or regulations.

~~[285.055. MINIMUM WAGE AND BENEFITS, POLITICAL SUBDIVISIONS NOT TO REQUIRE EMPLOYERS TO PROVIDE MORE THAN FEDERAL OR STATE REQUIREMENTS — DEFINITIONS. — 1. As used in this section, the following terms shall mean:~~

~~— (1) "Employee", an individual employed in this state by an employer;  
 — (2) "Employer", any individual, sole proprietorship, partnership, limited liability company, corporation, or any other entity that is legally doing business in this state; provided, however, that employer shall not include any public employer as defined in section 285.525;~~

~~— (3) "Employment benefits", anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health, disability, retirement, profit-sharing, and death benefits; group accidental death and dismemberment benefits; paid or unpaid days off from work for holidays, sick leave, vacation, and personal necessity; and terms of employment, attendance, or leave policies;~~

~~— (4) "Political subdivision", any county, city, town, or village.~~

~~— 2. No political subdivision shall establish, mandate, or otherwise require an employer to provide to an employee:~~

- ~~— (1) A minimum or living wage rate; or~~
- ~~— (2) Employment benefits;~~

~~that exceed the requirements of federal or state laws, rules, or regulations. The provisions of this subsection shall not preempt any state law or local minimum wage ordinance requirements in effect on August 28, 2015.]~~

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

## SB 8 [CCS SB 8]

**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 flashing lights on motor vehicles and equipment**

AN ACT to repeal sections 142.800, 142.803, 142.869, 287.020, 287.040, 288.035, 301.010, 301.031, 301.062, 301.227, 301.550, 304.005, 304.022, 304.120, 304.170, 304.180, 307.175, and 407.816, RSMo, and to enact in lieu thereof nineteen new sections relating to transportation, with existing penalty provisions and an emergency clause for certain sections.

## SECTION

- A. Enacting clause.
- 142.800. Definitions.
- 142.803. Imposition of tax on fuel, amount — collection and precollection of tax.
- 142.869. Alternative fuel decal fee in lieu of tax — decal — penalty.
- 287.020. Definitions — intent to abrogate earlier case law.
- 287.040. Liability of employer — contractors, subcontractors.
- 288.035. Owner and operator leasing motor vehicle with driver to a for-hire common or contract carrier not deemed employed for unemployment compensation, exception.
- 301.010. Definitions.
- 301.031. Local commercial motor vehicle hauling solid waste, extended operational limit.
- 301.062. Local log trucks, registration fees — extended distance log truck permit, additional fee.
- 301.227. Salvage certificate of title mandatory or optional, when — issuance, fee — junking certificate issued or rescinded, when — inoperable vehicle for ten years, scrap metal operator may purchase without title.
- 301.550. Definitions — classification of dealers.
- 304.005. Autocycle — defined — protective headgear not required, when — valid driver's license required to operate.
- 304.022. Emergency and stationary vehicles defined — use of lights and sirens — right-of-way — procedure — penalty.
- 304.120. Municipal regulations — owner or lessor not liable for violations, when.
- 304.170. Regulations as to width, height and length of vehicles — tractor parades permitted.
- 304.180. Regulations as to weight — axle load, tandem axle defined — idle reduction technology, increase in maximum gross weight permitted, amount — hauling livestock, milk, or grain, total gross weight permitted — requirements during disasters — emergency vehicles, maximum gross weight — natural gas fueled vehicles, increase in maximum gross weight, when.
- 307.005. Light-emitting diodes deemed operating properly, when.
- 307.175. Sirens and flashing lights, use of, when — permits — violation, penalty.
- 407.816. Motor driven vehicles, defined for section 407.815 — exemption for recreational vehicle dealers or manufacturers.
- B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.** — Sections 142.800, 142.803, 142.869, 287.020, 287.040, 288.035, 301.010, 301.031, 301.062, 301.227, 301.550, 304.005, 304.022, 304.120, 304.170, 304.180, 307.175, and 407.816, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 142.800, 142.803, 142.869, 287.020, 287.040, 288.035, 301.010, 301.031, 301.062, 301.227, 301.550, 304.005, 304.022, 304.120, 304.170, 304.180, 307.005, 307.175, and 407.816, to read as follows:

**142.800. DEFINITIONS.** — As used in this chapter, the following words, terms and phrases have the meanings given:

- (1) "Agricultural purposes", clearing, terracing or otherwise preparing the ground on a farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising and feeding livestock and poultry; building fences; pumping water for any and all uses on the farm, including irrigation; building roads upon any farm by the owner or person farming the same;

operating milking machines; sawing wood for use on a farm; producing electricity for use on a farm; movement of tractors, farm implements and nonlicensed equipment from one field to another;

(2) "Alternative fuel", electricity, liquefied petroleum gas (LPG or LP gas), compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas or electricity product used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas;

(3) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating aircraft engines;

(4) "Blend stock", any petroleum product component of motor fuel, such as naphtha, reformat, toluene or kerosene, that can be blended for use in a motor fuel without further processing. The term includes those petroleum products presently defined by the Internal Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended. However, the term does not include any substance that:

(a) Will be ultimately used for consumer nonmotor fuel use; and

(b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the removal or sale;

(5) "Blended fuel", a mixture composed of motor fuel and another liquid including blend stock, other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor, that can be used as a fuel in a highway vehicle. This term includes but is not limited to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

(6) "Blender", any person that produces blended motor fuel outside the bulk transfer/terminal system;

(7) "Blending", the mixing of one or more petroleum products, with or without another product, regardless of the original character of the product blended, if the product obtained by the blending is capable of use or otherwise sold for use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of products known as lubricating oil and greases;

(8) "Bulk plant", a bulk motor fuel storage and distribution facility that is not a terminal within the bulk transfer system and from which motor fuel may be removed by truck;

(9) "Bulk transfer", any transfer of motor fuel from one location to another by pipeline tender or marine delivery within the bulk transfer/terminal system;

(10) "Bulk transfer/terminal system", the motor fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine, or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer/terminal system;

(11) "Consumer", the user of the motor fuel;

(12) "Delivery", the placing of motor fuel or any liquid **or propulsion energy** into the **battery, fuel tank, or storage device** of a motor vehicle or bulk storage facility;

(13) "Department", the department of revenue;

(14) "Destination state", the state, territory, or foreign country to which motor fuel is directed for delivery into a storage facility, a receptacle, a container, or a type of transportation equipment for the purpose of resale or use;

(15) "Diesel fuel", any liquid that is commonly or commercially known or sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if, without further processing or blending, the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" does not include jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel and remit taxes on its sale or use to the Internal Revenue Service. "Diesel fuel" does not include



biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or B99.9 until such biodiesel is blended with other diesel fuel or sold for highway use;

(16) "Diesel-powered highway vehicle", a motor vehicle operated on a highway that is propelled by a diesel-powered engine;

(17) "Director", the director of revenue;

(18) "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;

(19) "Dyed fuel", diesel fuel or kerosene that is required to be dyed pursuant to United States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service rules or pursuant to any other requirements subsequently set by the United States Environmental Protection Agency or Internal Revenue Service including any invisible marker requirements;

(20) "Eligible purchaser", a distributor who has been authorized by the director to purchase motor fuel on a tax-deferred basis;

(21) "Export", to obtain motor fuel in this state for sale or other distribution outside of this state. In applying this definition, motor fuel delivered out of state by or for the seller constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser constitutes an export by the purchaser;

(22) "Exporter", any person, other than a supplier, who purchases motor fuel in this state for the purpose of transporting or delivering the fuel outside of this state;

(23) "Farm tractor", all tractor-type, motorized farm implements and equipment but shall not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor vehicles required to be registered and licensed each year pursuant to the provisions of the motor vehicle license and registration laws of this state;

(24) "Fuel grade alcohol", a methanol or ethanol with a proof of not less than one hundred ninety degrees (determined without regard to denaturants) and products derived from such alcohol for blending with motor fuel;

(25) "Fuel transportation vehicle", any vehicle designed for highway use which is also designed or used to transport motor fuels and includes transport trucks and tank wagons;

(26) "Gasoline", all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. Gasoline does not include products that have an American Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined by the motor method;

(27) "Gross gallons", the total measured motor fuel, exclusive of any temperature or pressure adjustments, in U.S. gallons;

(28) "Heating oil", a motor fuel that is burned in a boiler, furnace, or stove for heating or industrial processing purposes;

(29) "Import", to bring motor fuel into this state by any means of conveyance other than in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into this state from out-of-state by or for the seller constitutes an import by the seller, and motor fuel delivered into this state from out-of-state by or for the purchaser constitutes an import by the purchaser;

(30) "Import verification number", the number assigned by the director with respect to a single transport truck delivery into this state from another state upon request for an assigned number by an importer or the transporter carrying motor fuel into this state for the account of an importer;

(31) "Importer" includes any person who is the importer of record, pursuant to federal customs law, with respect to motor fuel. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record of motor fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is the importer;

(32) "Interstate motor fuel user", any person who operates a motor fuel-powered motor vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this state into another state or from another state into this state;

(33) "Invoiced gallons", the gallons actually billed on an invoice for payment to a supplier which shall be either gross or net gallons on the original manifest or bill of lading;

(34) "K-1 kerosene", a petroleum product having an A.P.I. gravity of not less than forty degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one hundred degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by weight;

(35) "Kerosene", the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three hundred degrees Celsius;

(36) "Liquid", any substance that is liquid in excess of sixty degrees Fahrenheit and at a pressure of fourteen and seven-tenths pounds per square inch absolute;

(37) "Motor fuel", gasoline, diesel fuel, kerosene and blended fuel;

(38) "Motor vehicle", any automobile, truck, truck-tractor or any motor bus or self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable of movement on roads at low speeds, or

(b) A vehicle solely operated on rails;

(39) "Net gallons", the motor fuel, measured in U.S. gallons, when corrected to a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute (psi);

(40) "Permissive supplier", an out-of-state supplier that elects, but is not required, to have a supplier's license pursuant to this chapter;

(41) "Person", natural persons, individuals, partnerships, firms, associations, corporations, estates, trustees, business trusts, syndicates, this state, any county, city, municipality, school district or other political subdivision of the state, federally recognized Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any state or federal court;

(42) "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;

(43) "Propel", the operation of a motor vehicle, whether it is in motion or at rest;

(44) "Public highway", every road, toll road, highway, street, way or place generally open to the use of the public as a matter of right for the purposes of vehicular travel, including streets and alleys of any town or city notwithstanding that the same may be temporarily closed for construction, reconstruction, maintenance or repair;

(45) "Qualified terminal", a terminal which has been assigned a terminal control number ("tcn") by the Internal Revenue Service;

(46) "Rack", a mechanism for delivering motor fuel from a refinery or terminal into a railroad tank car, a transport truck or other means of bulk transfer outside of the bulk transfer/terminal system;

(47) "Refiner", any person that owns, operates, or otherwise controls a refinery;

(48) "Refinery", a facility used to produce motor fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by pipeline, by boat or barge, or at a rack;

(49) "Removal", any physical transfer of motor fuel from a terminal, manufacturing plant, customs custody, pipeline, boat or barge, refinery or any facility that stores motor fuel;

(50) "Retailer", a person that engages in the business of selling or dispensing to the consumer within this state;

- (51) "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;
- (52) "Tank wagon", a straight truck having multiple compartments designed or used to carry motor fuel;
- (53) "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;
- (54) "Terminal bulk transfers" include but are not limited to the following:
- (a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;
  - (b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;
  - (c) Book transfers of product within a terminal between suppliers prior to completion of removal across the rack; and
  - (d) Two-party exchanges or buy-sell supply arrangements within a terminal between licensed suppliers;
- (55) "Terminal operator", any person that owns, operates, or otherwise controls a terminal. A terminal operator may own the motor fuel that is transferred through or stored in the terminal;
- (56) "Transmix", the buffer or interface between two different products in a pipeline shipment, or a mix of two different products within a refinery or terminal that results in an off-grade mixture;
- (57) "Transport truck", a semitrailer combination rig designed or used to transport motor fuel over the highways;
- (58) "Transporter", any operator of a pipeline, barge, railroad or transport truck engaged in the business of transporting motor fuels;
- (59) "Two-party exchange", a transaction in which the motor fuel is transferred from one licensed supplier or licensed permissive supplier to another licensed supplier or licensed permissive supplier and:
- (a) Which transaction includes a transfer from the person that holds the original inventory position for motor fuel in the terminal as reflected on the records of the terminal operator; and
  - (b) The exchange transaction is simultaneous with removal from the terminal by the receiving exchange partner. However, in any event, the terminal operator in its books and records treats the receiving exchange party as the supplier which removes the product across a terminal rack for purposes of reporting such events to this state;
- (60) "Ultimate vendor", a person that sells motor fuel to the consumer;
- (61) "Undyed diesel fuel", diesel fuel that is not subject to the United States Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with Internal Revenue Service fuel dyeing provisions; and
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(62) "Vehicle fuel tank", any receptacle on a motor vehicle from which fuel is supplied for the propulsion of the motor vehicle.

**142.803. IMPOSITION OF TAX ON FUEL, AMOUNT — COLLECTION AND PRECOLLECTION OF TAX.** — 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel, seventeen cents per gallon;

(2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter;

(4) Compressed natural gas fuel, five cents per gasoline gallon equivalent until December 31, 2019, eleven cents per gasoline gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per gasoline gallon equivalent thereafter. The gasoline gallon equivalent and method of sale for compressed natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the gasoline gallon equivalent and method of sale for compressed natural gas shall be equal to five and sixty-six-hundredths pounds of compressed natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on compressed natural gas, including but not limited to licensing, reporting, penalties, and interest;

(5) Liquefied natural gas fuel, five cents per diesel gallon equivalent until December 31, 2019, eleven cents per diesel gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per diesel gallon equivalent thereafter. The diesel gallon equivalent and method of sale for liquefied natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof.

In the absence of such standard or agreement, the diesel gallon equivalent and method of sale for liquefied natural gas shall be equal to six and six-hundredths pounds of liquefied natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on liquefied natural gas, including but not limited to licensing, reporting, penalties, and interest;

(6) **Propane gas fuel, five cents per gallon until December 31, 2019, eleven cents per gallon from January 1, 2020, until December 31, 2024, and then seventeen cents per gallon thereafter. All applicable provisions contained in this chapter governing administration, collection, and enforcement of the state motor fuel tax shall apply to the tax imposed on propane gas including, but not limited to, licensing, reporting, penalties, and interest;**

(7) If a natural gas, compressed natural gas, [or] liquefied natural gas, **electric, or propane** connection is used for fueling motor vehicles and for another use, such as heating, the tax imposed by this section shall apply to the entire amount of natural gas, compressed natural gas, [or] liquefied natural gas, **electricity, or propane** used unless an approved separate metering and accounting system is in place.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax.

**142.869. ALTERNATIVE FUEL DECAL FEE IN LIEU OF TAX — DECAL — PENALTY. — 1.** The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section, provided that sales made to alternative fueled vehicles powered by **propane**, compressed natural gas, or liquefied natural gas that do not meet the requirements of subsection 3 of this section shall be taxed exclusively pursuant to subdivisions (4) [and (5)] **to (7)** of subsection 1 of section 142.803, respectively. The owners or operators of such motor vehicles, **except plug-in electric hybrids**, shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; one hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; and one thousand dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds. **Owners or operators of plug-in electric hybrids shall pay one-half of the stated annual alternative fuel decal fee.** Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section. **For the purposes of this section, a plug-in electric hybrid shall be any hybrid vehicle made by a manufacturer with a model year of 2018 or newer, that has not been modified from the original manufacturer specifications, with an internal combustion engine and batteries that can be recharged by connecting a plug to an electric power source.**

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel other than **propane**, compressed natural gas, and liquefied natural gas, and for which a valid temporary alternative fuel decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

3. Owners or operators of passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by compressed natural gas or liquefied natural gas who have installed a compressed natural gas fueling station or liquefied natural gas fueling station used solely to fuel the motor vehicles they own or operate as of December 31, 2015, may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivisions (4) and (5) of subsection 1 of section 142.803. Owners or operators of compressed natural gas fueling stations or liquefied natural gas fueling stations whose vehicles bear an alternative fuel decal shall be prohibited from selling or providing compressed natural gas or liquefied natural gas to any motor vehicle they do not own or operate.

Owners or operators of motor vehicles powered by compressed natural gas or liquefied natural gas bearing an alternative fuel decal after January 1, 2016, that decline to renew the alternative fuel decals for such motor vehicles shall no longer be eligible to apply for and use alternative fuel decals under this subsection. Any compressed natural gas or liquefied natural gas obtained at any fueling station not owned by the owner or operator of the motor vehicle bearing an alternative fuel decal shall be subject to the tax under subdivisions (4) and (5) of subsection 1 of section 142.803.

4. **An owner or operator of a motor vehicle powered by propane may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivision (6) of subsection 1 of section 142.803. If the appropriate motor fuel tax under subdivision (6) of subsection 1 of section 142.803 is collected at the time of fueling, an operator of a propane fueling station that uses quick-connect fueling nozzles may sell propane as a motor fuel without verifying the application of a valid Missouri alternative fuel decal. If an owner or operator of a motor vehicle powered by propane that bears an alternative fuel decal refuels at an unattended propane refueling station, such owner or operator shall not be eligible for a refund of the motor fuel tax paid at such refueling.**

5. The director shall annually, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year. **This subsection shall not apply to an owner or operator of a motor vehicle powered by propane who fuels such vehicle exclusively at unattended fueling stations that collect the motor fuel tax.**

[5.] 6. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

[6.] 7. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the LP gas or natural gas equipment is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated by the director.

[7.] 8. It shall be unlawful for any person to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal **unless the motor vehicle is exclusively fueled at propane, compressed natural gas, or liquefied natural gas fueling stations that collect the motor fuel tax.**

[8.] 9. No person shall cause to be put, or put, [LP gas] **any alternative fuel** into the fuel supply receptacle **or battery** of a motor vehicle required to have an alternative fuel decal unless the motor vehicle **either** has a valid decal attached to it **or the appropriate motor fuel tax is collected at the time of such fueling.** [Sales of fuel placed in the supply receptacle of a motor vehicle displaying such decal shall be recorded upon an invoice, which invoice shall include the decal number, the motor vehicle license number and the number of gallons placed in such supply receptacle.]

[9.] 10. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

[10.] 11. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter.

**287.020. DEFINITIONS — INTENT TO ABROGATE EARLIER CASE LAW.** — 1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or

written, or under any appointment or election, including executive officers of corporations. Except as otherwise provided in section 287.200, any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. The word "employee" shall not include an individual who is the owner, as defined in [subdivision (42) of] section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies. The word "employee" also shall not include any person performing services for board, lodging, aid, or sustenance received from any religious, charitable, or relief organization.

2. The word "accident" as used in this chapter shall mean an unexpected traumatic event or unusual strain identifiable by time and place of occurrence and producing at the time objective symptoms of an injury caused by a specific event during a single work shift. An injury is not compensable because work was a triggering or precipitating factor.

3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen out of and in the course of employment. An injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability. "The prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the accident is the prevailing factor in causing the injury; and

(b) It does not come from a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life.

(3) An injury resulting directly or indirectly from idiopathic causes is not compensable.

(4) A cardiovascular, pulmonary, respiratory, or other disease, or cerebrovascular accident or myocardial infarction suffered by a worker is an injury only if the accident is the prevailing factor in causing the resulting medical condition.

(5) The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the worker is at work.

4. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Injuries sustained in company-owned or subsidized automobiles in accidents that occur while traveling from the employee's home to the employer's principal place of business or from the employer's principal place of business to the employee's home are not compensable. The extension of premises doctrine is abrogated to the extent it extends liability for accidents that occur on property not owned or controlled by the employer even if the accident occurs on customary, approved, permitted, usual or accepted routes used by the employee to get to and from their place of employment.

6. The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

7. As used in this chapter and all acts amendatory thereof, the term "commission" shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term "director" shall hereafter be construed as meaning the director of the department of insurance, financial institutions and professional registration of the state of Missouri or such agency of government as shall exercise the powers and duties now conferred and imposed upon the department of insurance, financial institutions and professional registration of the state of Missouri.

8. The term "division" as used in this chapter means the division of workers' compensation of the department of labor and industrial relations of the state of Missouri.

9. For the purposes of this chapter, the term "minor" means a person who has not attained the age of eighteen years; except that, for the purpose of computing the compensation provided for in this chapter, the provisions of section 287.250 shall control.

10. In applying the provisions of this chapter, it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "accident", "occupational disease", "arising out of", and "in the course of the employment" to include, but not be limited to, holdings in: *Bennett v. Columbia Health Care and Rehabilitation*, 80 S.W.3d 524 (Mo.App. W.D. 2002); *Kasl v. Bristol Care, Inc.*, 984 S.W.2d 852 (Mo.banc 1999); and *Drewes v. TWA*, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or following those cases.

11. For the purposes of this chapter, "occupational diseases due to toxic exposure" shall only include the following: mesothelioma, asbestosis, berylliosis, coal worker's pneumoconiosis, bronchiolitis obliterans, silicosis, silicotuberculosis, manganism, acute myelogenous leukemia, and myelodysplastic syndrome.

**287.040. LIABILITY OF EMPLOYER — CONTRACTORS, SUBCONTRACTORS.** — 1. Any person who has work done under contract on or about his premises which is an operation of the usual business which he there carries on shall be deemed an employer and shall be liable under this chapter to such contractor, his subcontractors, and their employees, when injured or killed on or about the premises of the employer while doing work which is in the usual course of his business.

2. The provisions of this section shall not apply to the owner of premises upon which improvements are being erected, demolished, altered or repaired by an independent contractor but such independent contractor shall be deemed to be the employer of the employees of his subcontractors and their subcontractors when employed on or about the premises where the principal contractor is doing work.

3. In all cases mentioned in the preceding subsections, the immediate contractor or subcontractor shall be liable as an employer of the employees of his subcontractors. All persons so liable may be made parties to the proceedings on the application of any party. The liability of the immediate employer shall be primary, and that of the others secondary in their order, and any compensation paid by those secondarily liable may be recovered from those primarily liable, with attorney's fees and expenses of the suit. Such recovery may be had on motion in the original proceedings. No such employer shall be liable as in this section provided, if the employee was insured by his immediate or any intermediate employer.

4. The provisions of this section shall not apply to the relationship between a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041 or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies, and an owner, as defined in [subdivision (42) of] section 301.010, and operator of a motor vehicle.

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**288.035. OWNER AND OPERATOR LEASING MOTOR VEHICLE WITH DRIVER TO A FOR-HIRE COMMON OR CONTRACT CARRIER NOT DEEMED EMPLOYED FOR UNEMPLOYMENT COMPENSATION, EXCEPTION.** — Notwithstanding the provisions of section 288.034, in the case of an individual who is the owner, as defined in [subdivision (42) of] section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation or any of its subagencies, such owner/operator shall not be deemed to be an employee, provided, however, such individual owner and operator shall be deemed to be in employment if the for-hire common or contract vehicle carrier is an organization described in Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

**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 **capable of carrying cargo on the power unit and** designed and used [specifically] for the transport of assembled motor vehicles, **including truck camper units;**

(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) "**Backhaul**", the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route;

(5) "Boat transporter", any vehicle combination **capable of carrying cargo on the power unit and** designed and used specifically to transport assembled boats and boat hulls. **Boats may be partially disassembled to facilitate transporting;**

[(5)] (6) "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)] (7) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

[(7)] (8) "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)] (9) "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)] (10) "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)] (11) "Director" or "director of revenue", the director of the department of revenue;

[(11)] (12) "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 driveway 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)] (13) "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)] (14) "Farm tractor", a tractor used exclusively for agricultural purposes;

[(14)] (15) "Fleet", any group of ten or more motor vehicles owned by the same owner;

[(15)] (16) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

[(16)] (17) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

[(17)] (18) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

[(18)] (19) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

[(19)] (20) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

[(20)] (21) "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)] (22) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[(22)] (23) "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)] (24) "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)] (25) "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)] (26) "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)] (27) "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 23 U.S.C. Section 103, as amended, **or outside the one hundred mile radius from such site with an extended distance local log truck permit**, 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)] **(28)** "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] **23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from such site with an extended distance local log truck permit**, 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)] **(29)** "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)] **(30)** "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)] **(31)** "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)] **(32)** "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[(32)] **(33)** "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)] **(34)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

[(34)] **(35)** "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)] **(36)** "Motorcycle", a motor vehicle operated on two wheels;

[(36)] **(37)** "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)] **(38)** "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)] **(39)** "Municipality", any city, town or village, whether incorporated or not;

[(39)] **(40)** "Nonresident", a resident of a state or country other than the state of Missouri;

[(40)] **(41)** "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(41)] **(42)** "Operator", any person who operates or drives a motor vehicle;

[(42)] **(43)** "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)] **(44)** "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)] **(45)** "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)] **(46)** "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)] **(47)** "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)] **(48)** "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)] **(49)** "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)] **(50)** "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)] **(51)** "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)] **(52)** "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)] **(53)** "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)] **(54)** "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)] **(55)** "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)] **(56)** "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)] **(57)** "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)] **(58)** "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)] **(59)** "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;

**(60)** "Towaway trailer transporter combination", a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

[(59)] (61) "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)] (62) "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;

(63) **"Trailer transporter towing unit", a power unit that is not used to carry property when operating in a towaway trailer transporter combination;**

[(61)] (64) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(62)] (65) "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)] (66) "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)] (67) "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)] (68) "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)] (69) "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] in 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)] (70) "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)] (71) "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)] (72) "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.

**301.031. LOCAL COMMERCIAL MOTOR VEHICLE HAULING SOLID WASTE, EXTENDED OPERATIONAL LIMIT.** — Notwithstanding the twenty-five mile operations limit imposed in [subdivision (24) of] section 301.010 upon local commercial motor vehicles, a local commercial motor vehicle licensed for forty-eight thousand pounds gross weight and above may be used to haul solid waste as defined in section 260.200 up to sixty miles from the municipality in which its operations are otherwise confined and still be eligible to register as a local commercial motor vehicle.

**301.062. LOCAL LOG TRUCKS, REGISTRATION FEES — EXTENDED DISTANCE LOG TRUCK PERMIT, ADDITIONAL FEE.** — **1.** The annual registration fee for a local log truck, registered pursuant to this chapter, is three hundred dollars.

**2.** A local log truck may receive an extended distance local log truck permit for an additional fee of three hundred dollars. A local log truck with an extended distance local log truck permit shall be allowed to transport harvested or processed forest products outside of the one hundred mile radius from the forested site at the weight limits for commercial vehicles specified in section 304.180. For the purposes of this section, "processed forest products" shall mean wood products that are produced from the initial processing of a round log and have received no additional manufacturing or packaging to prepare the material for any retail market including, but not limited to, sawdust, wood chips, bark, slabs, and green square edged lumber products.

**301.227. SALVAGE CERTIFICATE OF TITLE MANDATORY OR OPTIONAL, WHEN — ISSUANCE, FEE — JUNKING CERTIFICATE ISSUED OR RESCINDED, WHEN — INOPERABLE VEHICLE FOR TEN YEARS, SCRAP METAL OPERATOR MAY PURCHASE WITHOUT TITLE.** — **1.** Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

**2.** Whenever a vehicle is classified as "junk", as defined in section 301.010, the purchaser may forward to the director of revenue a properly completed application for a junking certificate as well as the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such junking certificate may be granted within thirty days of the submission of a request. A junking certificate shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk.

**3.** For any vehicle issued a junking certificate or such similar document or classification pursuant to the laws of another state, regardless of whether such designation has been subsequently changed by law in any other state, the department shall only issue a junking certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter

be issued for such vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not previously been classified as a junk vehicle, the applicant making the original junking certification application shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to [subdivision (51) of] section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of title or ownership for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification **card** along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with



the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

**301.550. DEFINITIONS — CLASSIFICATION OF DEALERS.** — 1. The definitions contained in section 301.010 shall apply to sections 301.550 to 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

(1) "Boat dealer", any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to 301.573;

(2) "Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

(3) "Department", the Missouri department of revenue;

(4) "Director", the director of the Missouri department of revenue;

(5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles, and fire fighting and assistance vehicles;

(6) "Manufacturer", any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

(7) "Motor vehicle broker", a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

(a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

(b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction; or

(d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction;

(8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed

pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.573. Any motor vehicle dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more motor vehicles provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(9) "New motor vehicle", any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange that particular make of motor vehicle. The term "new motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter or exchange used motor vehicles;

(11) "Person" includes an individual, a partnership, corporation, an unincorporated society or association, joint venture or any other entity;

(12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306;

(13) "Public motor vehicle auction", any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer;

(14) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including 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;

(15) "Storage lot", an area within the same city or county where a dealer may store excess vehicle inventory;

(16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as defined in [subdivision (60) of] section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of [subdivision (11) of] section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to 301.573. Any trailer dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more trailers provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007. Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(17) "Used motor vehicle", any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee's name. The term "used motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(18) "Used motor vehicle dealer", any motor vehicle dealer who is not a new motor vehicle franchise dealer;

(19) "Vessel", every boat and watercraft defined as a vessel in section 306.010;

(20) "Vessel trailer", any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels;

(21) "Wholesale motor vehicle auction", any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle;

(22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

2. For purposes of sections 301.550 to 301.573, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010.

3. Dealers shall be divided into classes as follows:

- (1) Boat dealers;
- (2) Franchised new motor vehicle dealers;
- (3) Used motor vehicle dealers;
- (4) Wholesale motor vehicle dealers;
- (5) Recreational motor vehicle dealers;
- (6) Historic motor vehicle dealers;
- (7) Classic motor vehicle dealers;
- (8) Powersport dealers; and
- (9) Trailer dealers.

**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 **partially or** completely enclosed[, tandem] **non-straddle** 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, **and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards.**

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.

**304.022. EMERGENCY AND STATIONARY VEHICLES DEFINED — USE OF LIGHTS AND SIRENS — RIGHT-OF-WAY — 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.

**304.120. MUNICIPAL REGULATIONS — OWNER OR LESSOR NOT LIABLE FOR VIOLATIONS, WHEN.** — 1. Municipalities, by ordinance, may establish reasonable speed regulations for motor vehicles within the limits of such municipalities. No person who is not a resident of such municipality and who has not been within the limits thereof for a continuous period of more than forty-eight hours shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the place where the boundary of such municipality joins or crosses any highway a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such municipality so that such sign may be clearly seen by operators and drivers from their vehicles upon entering such municipality.

2. Municipalities, by ordinance, may:

- (1) Make additional rules of the road or traffic regulations to meet their needs and traffic conditions;
  - (2) Establish one-way streets and provide for the regulation of vehicles thereon;
  - (3) Require vehicles to stop before crossing certain designated streets and boulevards;
  - (4) Limit the use of certain designated streets and boulevards to passenger vehicles, except that each municipality shall allow at least one route, with lawful traffic movement and access from both directions, to be available for use by commercial motor vehicles to access any roads in the state highway system. Under no circumstances shall the provisions of this subdivision be construed to authorize a municipality to limit the use of all routes in the municipality. **The use by commercial motor vehicles of a municipality-designated route for such vehicles in compliance with any ordinances of the designating municipality shall not be deemed a nuisance or evidence of a nuisance. Nothing contained in this subdivision is intended to modify or limit recovery for any claim that is independent of a nuisance claim;**
  - (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid rubber tires;
  - (6) Regulate the parking of vehicles on streets by the installation of parking meters for limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;
  - (7) Require the use of signaling devices on all motor vehicles; and
  - (8) Prohibit sound-producing warning devices, except horns directed forward.
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3. No ordinance shall be valid which contains provisions contrary to or in conflict with this chapter, except as herein provided.

4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the vehicle is being permissively used by a lessee and is illegally parked or operated if the registered owner-lessor of such vehicle furnishes the name, address and operator's license number of the person renting or leasing the vehicle at the time the violation occurred to the proper municipal authority within three working days from the time of receipt of written request for such information. Any registered owner-lessor who fails or refuses to provide such information within the period required by this subsection shall be liable for the imposition of any fine established by municipal ordinance for the violation. Provided, however, if a leased motor vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal parking of such vehicle.

5. No ordinance shall deny the use of commercial motor vehicles on all routes within the municipality. For purposes of this section, the term "route" shall mean any state road, county road, or public street, avenue, boulevard, or parkway.

6. No ordinance shall prohibit the operator of a motor vehicle from being in an intersection while a red signal is being displayed if the operator of the motor vehicle entered the intersection during a yellow signal interval. The provisions of this subsection shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision that are to the contrary.

**304.170. REGULATIONS AS TO WIDTH, HEIGHT AND LENGTH OF VEHICLES—TRACTOR PARADES PERMITTED.** — 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the [chief engineer of the state transportation department] **state highways and transportation commission** shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. **Notwithstanding any provision of this section to the contrary, an articulated bus, comprised of two or more sections connected by a flexible joint or other mechanism, may be up to sixty feet in length, not including safety bumpers which may extend one foot in front and one foot in the rear, and not including bicycle storage racks which may extend over the safety bumper by up to five feet when in the down position transporting a bicycle.** The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of **P.L. 97-424 codified in Title 23 of the United States Code [(Public Law 97-424)], 23 U.S.C. Section 101, et al., as amended**, no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.

6. In order to comply with the provisions of **P.L. 97-424 codified in Title 23 of the United States Code [(Public Law 97-424)], 23 U.S.C. Section 101, et al., as amended**, no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection [10] **11** of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the [state highways and transportation] commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations, [stinger-steered combination automobile transporters] and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the [highways and transportation] commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered [combinations] **combination boat transporters** shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

**(1) Stinger-steered combination automobile transporters having a length not in excess of eighty feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding stinger-steered automobile combination transporters are exclusive of front and rear overhang, which shall be no greater than a four-foot front overhang and no greater than a six-foot rear overhang.**

**(2) Automobile transporters may transport cargo or general freight on a backhaul, as long as in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in section 304.180.**

8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the [highways and transportation] commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful

operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

**10. No towaway trailer transporter combination vehicles operated upon the interstate and designated primary highway system of this state shall have an overall length of more than eighty-two feet.**

**11.** The [highways and transportation] commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8, [and] 9, **and 10** of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8, [and] 9, **and 10** of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

[11.] **12.** Except as provided in subsections 5, 6, 7, 8, 9, [and] 10, **and 11** of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway[, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles].

[12.] **13.** (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol; or to self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting agricultural implements or implements of husbandry or road-making machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

**(3) Notwithstanding any other provision of law to the contrary, agricultural machinery and implements may be operated on state highways between the hours of sunset and sunrise for agricultural purposes provided such vehicles are equipped with lighting meeting the requirements of section 307.115.**

[13.] **14.** As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.

[14.] **15.** Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The [chief engineer of the state transportation department] **commission** shall issue special permits for the



movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.

**304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — IDLE REDUCTION TECHNOLOGY, INCREASE IN MAXIMUM GROSS WEIGHT PERMITTED, AMOUNT — HAULING LIVESTOCK, MILK, OR GRAIN, TOTAL GROSS WEIGHT PERMITTED — REQUIREMENTS DURING DISASTERS — EMERGENCY VEHICLES, MAXIMUM GROSS WEIGHT — NATURAL GAS FUELED VEHICLES, INCREASE IN MAXIMUM GROSS WEIGHT, WHEN. — 1.**

No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes  
of any group of two or more  
consecutive axles, measured to the  
nearest foot, except where indicated  
otherwise

feet	Maximum load in pounds				
	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000

23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the [state highways and transportation] commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of [Section 127 of Title 23 of the United States Code] **P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.**

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, [and] 10, **12, and 13** of this section.

7. Notwithstanding any provision of this section to the contrary, the [department of transportation] **commission** shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The [department of transportation] **commission** shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk, from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the [department of transportation] **commission** shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the **department of transportation** motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The [department of transportation] **commission** 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, 2014, shall be invalid and void.

**12. Notwithstanding any provision of this section to the contrary, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment**

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and to mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear drive steer axle.

13. Notwithstanding any provision of this section to the contrary, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds.

**307.005. LIGHT-EMITTING DIODES DEEMED OPERATING PROPERLY, WHEN.** — For purposes of this chapter, a lamp, light, or other piece of lighting equipment consisting of multiple light-emitting diodes shall be deemed to be operating properly so long as not less than seventy-five percent of the light-emitting diodes are operating properly.

**307.175. SIRENS AND FLASHING LIGHTS, USE OF, WHEN — PERMITS — 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.] **(1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:**

(a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;

(b) Vehicles operated as described in subsection 1 of this section;

(c) Vehicles owned by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles described in this paragraph only between dusk and dawn, when such vehicles are stationary, such vehicles are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs.

**(2) The following vehicles may use or display fixed, flashing, or rotating amber or amber and white lights:**

(a) Vehicles owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;

(b) Vehicles owned by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary;

(c) Vehicles operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary. As used in this paragraph, the term "utility worker" means any employee while in performance of his or her job duties,

**including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.**

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, 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.

**407.816. MOTOR DRIVEN VEHICLES, DEFINED FOR SECTION 407.815—EXEMPTION FOR RECREATIONAL VEHICLE DEALERS OR MANUFACTURERS** — 1. As used in subdivision (7) of section 407.815, the term "motor vehicle" shall not include "trailer" as such term is defined in [subdivision (60) of] section 301.010.

2. Prior to August 1, 2002, the provisions of section 407.817, subdivisions (13), (17) and (18) of section 407.825 and section 407.826 shall not apply to recreational vehicle dealers or manufacturers.

3. As of August 1, 2002, the term "motor vehicle" as used in sections 407.810 to 407.835 shall not apply to recreational vehicles as defined in section 407.1320.

**SECTION B. EMERGENCY CLAUSE.** — Because of the need to protect lives on our roads and highways, the repeal and reenactment of sections 304.022 and 307.175 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 304.022 and 307.175 of this act shall be in full force and effect upon its passage and approval.

Approved June 28, 2017

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SB 16 [SS SCS SB 16]

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

**Exempts delivery charges from sales and use taxes**

AN ACT to repeal sections 144.010 and 144.605, RSMo, and to enact in lieu thereof two new sections relating to sales and use taxes for delivery charges.

SECTION

- A. Enacting clause.
- 144.010. Definitions.
- 144.605. Definitions.

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

**SECTION A. ENACTING CLAUSE.** — Sections 144.010 and 144.605, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 144.010 and 144.605, to read as follows:

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**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. **The term "gross receipts" shall not include usual and customary delivery charges that are stated separately from the sale price;**

(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;

(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;

(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;

(9) "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;

(10) "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;

(11) "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;

(12) "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;

(13) "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;

(14) "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;

(15) 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; and

(16) "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.

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".

**144.605. DEFINITIONS.** — The following words and phrases as used in sections 144.600 to 144.745 mean and include:

(1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(2) "Engages in business activities within this state" includes:

(a) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525;

(b) Soliciting sales or taking orders by sales agents or traveling representatives;

(c) A vendor is presumed to engage in business activities within this state if any person, other than a common carrier acting in its capacity as such, that has substantial nexus with this state:

a. Sells a similar line of products as the vendor and does so under the same or a similar business name;

b. Maintains an office, distribution facility, warehouse, or storage place, or similar place of business in the state to facilitate the delivery of property or services sold by the vendor to the vendor's customers;

c. Delivers, installs, assembles, or performs maintenance services for the vendor's customers within the state;

d. Facilitates the vendor's delivery of property to customers in the state by allowing the vendor's customers to pick up property sold by the vendor at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in the state; or

e. Conducts any other activities in the state that are significantly associated with the vendor's ability to establish and maintain a market in the state for the sales;

(d) The presumption in paragraph (c) may be rebutted by demonstrating that the person's activities in the state are not significantly associated with the vendor's ability to establish or maintain a market in this state for the vendor's sales;



(e) Notwithstanding paragraph (c), a vendor shall be presumed to engage in business activities within this state if the vendor enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an internet website, an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the cumulative gross receipts from sales by the vendor to customers in the state who are referred to the vendor by all residents with this type of an agreement with the vendor is in excess of ten thousand dollars during the preceding twelve months;

(f) The presumption in paragraph (e) may be rebutted by submitting proof that the residents with whom the vendor has an agreement did not engage in any activity within the state that was significantly associated with the vendor's ability to establish or maintain the vendor's market in the state during the preceding twelve months. Such proof may consist of sworn written statements from all of the residents with whom the vendor has an agreement stating that they did not engage in any solicitation in the state on behalf of the vendor during the preceding year provided that such statements were provided and obtained in good faith;

(3) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business in this state, whether owned or operated by the vendor or by any other person other than a common carrier acting in its capacity as such;

(4) "Person", any individual, firm, copartnership, joint venture, 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;

(5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(6) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) "Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and "sales price" shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. **The sales price shall not include usual and customary delivery charges that are separately stated.** In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(11) "Tangible personal property", all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;

(12) "Taxpayer", any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(14) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745.

Approved July 6, 2017

SB 19 [SS#2 SB 19]

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

**Creates new provisions of law relating to labor organizations**

AN ACT to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

**SECTION**

A. Enacting clause.

290.590. Labor organization membership, dues, and fees not required as condition of employment — definitions — violations, penalty — investigation of complaints — inapplicability, when.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 290, RSMo, is amended by adding thereto one new section, to be known as section 290.590, to read as follows:

**290.590. LABOR ORGANIZATION MEMBERSHIP, DUES, AND FEES NOT REQUIRED AS CONDITION OF EMPLOYMENT—DEFINITIONS—VIOLATIONS, PENALTY—INVESTIGATION OF COMPLAINTS—INAPPLICABILITY, WHEN.** — 1. As used in this section, the following terms shall mean:

(1) "Employer", any individual, organization, partnership, state agency, political subdivision, corporation, or other legal entity which employs or has employed one or more individuals performing services for the entity within this state; and

(2) "Labor organization", any organization of any kind or agency, or employee representation committee or union which exists for the purpose in whole or in part of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.

2. No person shall be required as a condition or continuation of employment to:

(1) Become, remain, or refrain from becoming a member of a labor organization;

(2) Pay any dues, fees, assessments, or other similar charges however denominated of any kind or amount to a labor organization; or

(3) In lieu of the payments listed under subdivision (2) of this subsection, pay to any charity or other third party any amount equivalent to, or on a pro rata basis, any dues, fees, assessments, or other charges required of members of a labor organization.

3. Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed under this section is unlawful, null and void, and of no legal effect.

4. Any person who violates or directs another to violate any provision of this section shall be guilty of a class C misdemeanor.

5. (1) Any person injured as a result of any violation or threatened violation of this section shall be entitled to injunctive relief against any and all violators or persons threatening violations.

(2) Any person injured as a result of any violation or threatened violation of this section may recover any and all damages of any character resulting from such violation or threatened violation including costs and reasonable attorney fees. Such remedies shall be independent of and in addition to the other penalties and remedies prescribed under this section.

6. The prosecuting attorney or circuit attorney with jurisdiction over the location where a violation or threatened violation of this section occurs or the attorney general of this state shall investigate complaints of violation or threatened violation of this section, prosecute any person violating this section, and use all means at their command to ensure the effective enforcement of this section.

7. This section shall not apply:

(1) To employers and employees covered by the federal Railway Labor Act;

(2) To federal employers and employees;

(3) To employers and employees on exclusive federal enclaves;

(4) Where this section conflicts with or is preempted by federal law; or

(5) To any agreement between an employer and a labor organization entered into before the effective date of this section but shall apply to any such agreement upon its renewal, extension, amendment, or modification in any respect after the effective date of this section.

Approved February 6, 2017

## SB 31 [SS SB 31]

**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 collateral source rule and provides 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.

## SECTION

A. Enacting clause.

490.715. Collateral source rule and payments rendered prior to trial, admissibility of evidence — effect on special damages — evidence of actual cost of medical care or treatment permitted.

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

**SECTION A. ENACTING CLAUSE.** — Section 490.715, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 490.715, to read as follows:

**490.715. COLLATERAL SOURCE RULE AND PAYMENTS RENDERED PRIOR TO TRIAL, ADMISSIBILITY OF EVIDENCE — EFFECT ON SPECIAL DAMAGES — EVIDENCE OF ACTUAL COST OF MEDICAL CARE OR TREATMENT PERMITTED.** — 1. No evidence of collateral sources, or payments rendered under subsection 2 of this section, shall be admissible other than such evidence provided for in this section.

2. If prior to trial a defendant or his or her insurer or authorized representative, or any combination of them, pays all or any part of a plaintiff's special damages, [the defendant may introduce evidence that some other person other than the plaintiff has paid those amounts. The evidence shall not identify any person having made such payments] **then any portion of a plaintiff 's claims for special damages that are satisfied by a payment from a defendant or the defendant's insurer or authorized representative, or any combination of them, are not recoverable from that defendant.**

3. If [a defendant introduces evidence] **such payments** described in subsection 2 of this section[, such introduction shall constitute a waiver of any right to a credit against a judgment pursuant to] **are included in a plaintiff 's claim for special damages at trial, the defendant who made the payment, or on whose behalf the payment was made, shall be entitled to deduct and receive a credit for such payments from any judgment as provided for in section 490.710.**

4. This section does not require the exclusion of evidence admissible for another proper purpose.

5. (1) **Except as provided in subsection 2 of this section,** parties may introduce evidence of the [value] **actual cost** of the medical **care or** treatment rendered [to a party that was] **to a plaintiff or a patient whose care is at issue. Actual cost of the medical care or treatment shall be** reasonable, necessary, and a proximate result of the negligence or fault of any party.

(2) [In determining the value of the] **For purposes of this subsection, the phrase "actual cost of the medical care or** treatment [rendered, there shall be a rebuttable presumption that the dollar amount necessary to satisfy the financial obligation to the] **" shall be defined as a sum of money not to exceed the dollar amounts paid by or on behalf of a plaintiff or a patient whose care is at issue plus any remaining dollar amount necessary to satisfy the financial obligation for medical care or treatment by a health care provider [represents the value of the medical treatment rendered. Upon motion of any party, the court may determine, outside the**

hearing of the jury, the value of the medical treatment rendered based upon additional evidence, including but not limited to:

- (a) The medical bills incurred by a party;
- (b) The amount actually paid for medical treatment rendered to a party;
- (c) The amount or estimate of the amount of medical bills not paid which such party is obligated to pay to any entity in the event of a recovery. Notwithstanding the foregoing, no evidence of collateral sources shall be made known to the jury in presenting the evidence of the value of the medical treatment rendered] **after adjustment for any contractual discounts, price reduction, or write-off by any person or entity.**

Approved July 5, 2017

SB 34 [CCS HCS SS SB 34]

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

**Modifies and creates new provisions relating to criminal offenses**

AN ACT to repeal sections 105.669, 479.170, 557.035, 565.002, 565.024, 565.027, 565.076, 565.091, 565.225, 565.227, 566.010, 566.150, 568.040, 569.100, 569.120, 569.140, 575.280, 577.001, 577.010, 577.060, 589.675, and 650.055, RSMo, and to enact in lieu thereof twenty-seven new sections relating to criminal offenses, with penalty provisions.

SECTION

- A. Enacting clause.
- 105.669. Felony conviction, ineligible for benefits, when — employer to notify of offenses, when — list of offenses.
- 252.069. Littering and abandonment of a motor vehicle, agents authorized to enforce and arrest violators.
- 479.170. Municipal judge without jurisdiction, when, procedure.
- 557.035. Hate offenses — provides enhanced penalties for motivational factors in certain offenses.
- 565.002. Definitions.
- 565.024. Involuntary manslaughter, first degree, penalty.
- 565.027. Involuntary manslaughter, second degree, penalty.
- 565.076. Domestic assault in the fourth degree, penalty.
- 565.091. Harassment, second degree, penalty.
- 565.225. Stalking, first degree, penalty.
- 565.227. Stalking, second degree, penalty.
- 566.010. Chapter 566 and chapter 568 definitions.
- 566.150. Certain offenders not to be present or loiter within five hundred feet of a public park, swimming pool, or museum — violation, penalty.
- 568.040. Criminal nonsupport, penalty — definitions — payment of support as a condition of parole — expungement of records, when — prosecuting attorneys to report cases to family support division.
- 569.100. Property damage in the first degree — penalties.
- 569.120. Property damage in the second degree — penalty.
- 569.140. Trespass in the first degree — penalty.
- 575.280. Acceding to corruption — penalties.
- 577.001. Chapter definitions.
- 577.010. Driving while intoxicated — sentencing restrictions.
- 577.060. Leaving the scene of an accident — penalties.
- 577.685. Illegal reentry, offense of, penalty.
- 589.664. Disclosure of address, when — notice — limitation on dissemination.
- 589.675. Inspection and copying of addresses, when.
- 610.145. Stolen or mistaken identity, expungement of records, procedure.
- 650.055. Felony convictions for certain offenses to have biological samples collected, when — use of sample — highway patrol and department of corrections, duty — DNA records and biological materials to be closed record, disclosure, when — expungement of record, when.

650.520. Law enforcement, suspects in the killing or seriously wounding of, alert system created — department to develop and administer — false report, penalty.

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

**SECTION A. ENACTING CLAUSE.** — Sections 105.669, 479.170, 557.035, 565.002, 565.024, 565.027, 565.076, 565.091, 565.225, 565.227, 566.010, 566.150, 568.040, 569.100, 569.120, 569.140, 575.280, 577.001, 577.010, 577.060, 589.675, and 650.055, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 105.669, 252.069, 479.170, 557.035, 565.002, 565.024, 565.027, 565.076, 565.091, 565.225, 565.227, 566.010, 566.150, 568.040, 569.100, 569.120, 569.140, 575.280, 577.001, 577.010, 577.060, 577.685, 589.664, 589.675, 610.145, 650.055, and 650.520, to read as follows:

**105.669. FELONY CONVICTION, INELIGIBLE FOR BENEFITS, WHEN — EMPLOYER TO NOTIFY OF OFFENSES, WHEN — LIST OF OFFENSES.** — 1. Any participant of a plan who is [found guilty] **convicted** of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after August 28, 2014, shall not be eligible to receive any retirement benefits from the respective plan based on service rendered on or after August 28, 2014, except a participant may still request from the respective retirement system a refund of the participant's plan contributions, including interest credited to the participant's account.

2. [Upon a finding of guilt, the court shall forward a notice of the court's finding to] **The employer of any participant who is charged or convicted of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after August 28, 2014, shall notify the appropriate retirement system in which the offender was a participant].** The court shall also make a determination on the value of the money, property, or services involved in committing the offense] **and provide information in connection with such charge or conviction.** The plans shall take all actions necessary to implement the provisions of this section.

3. [The finding of guilt for] **A felony conviction based on** any of the following offenses or a substantially similar offense provided under federal law shall result in the ineligibility of retirement benefits as provided in subsection 1 of this section:

(1) The offense of felony stealing under section 570.030 when such offense involved money, property, or services valued at five thousand dollars or more [as determined by the court];

(2) The offense of felony receiving stolen property under section 570.080, **as it existed before January 1, 2017**, when such offense involved money, property, or services valued at five thousand dollars or more [as determined by the court];

(3) The offense of forgery under section 570.090;

(4) The offense of felony counterfeiting under section 570.103;

(5) The offense of bribery of a public servant under section 576.010; or

(6) The offense of acceding to corruption under section 576.020.

**252.069. LITTERING AND ABANDONMENT OF A MOTOR VEHICLE, AGENTS AUTHORIZED TO ENFORCE AND ARREST VIOLATORS.** — **Any agent of the conservation commission may enforce the provisions of sections 577.070 and 577.080 and arrest violators only upon the water, the banks thereof, or upon public land.**

**479.170. MUNICIPAL JUDGE WITHOUT JURISDICTION, WHEN, PROCEDURE.** — 1. If, in the progress of any trial before a municipal judge, it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the state and not cognizable before him as municipal judge, he shall immediately stop all further proceedings before him as municipal judge and cause the complaint to be made before some associate circuit judge within the county.

2. For purposes of this section, any offense involving the operation of a motor vehicle in an intoxicated condition as defined in section 577.001 shall not be cognizable in municipal court, if the defendant has been convicted, found guilty, or pled guilty to two or more previous intoxication-related traffic offenses as defined in section [577.023] **577.001**, or has had two or more previous alcohol-related enforcement contacts as defined in section 302.525.

**557.035. HATE OFFENSES — PROVIDES ENHANCED PENALTIES FOR MOTIVATIONAL FACTORS IN CERTAIN OFFENSES.** — 1. For all violations of **section 565.054 or 565.090**, subdivision (1) of subsection 1 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the offense or offenses under this section, and the violation is a class D felony.

2. For all violations of section [565.054] **565.056**; [subdivisions (1), (3) and (4) of subsection 1 of section 565.090;] subdivision (1) of subsection 1 of section 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the offense or offenses under this section, and the violation is a class E felony.

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

**565.002. DEFINITIONS.** — As used in this chapter, unless a different meaning is otherwise plainly required the following terms mean:

(1) "Adequate cause", cause that would reasonably produce a degree of passion in a person of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-control;

(2) "Child", a person under seventeen years of age;

(3) "Conduct", includes any act or omission;

(4) "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;

(5) "Deliberation" [means], cool reflection for any length of time no matter how brief;

(6) "Domestic victim", a household or family member as the term "family" or "household member" is defined in section 455.010, including any child who is a member of the household or family;

(7) "Emotional distress", something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;

(8) "Full or partial nudity", the showing of all or any part of the human genitals, pubic area, buttock, or any part of the nipple of the breast of any female person, with less than a fully opaque covering;

(9) "Legal custody", the right to the care, custody and control of a child;

(10) "Parent", either a biological parent or a parent by adoption;

(11) "Person having a right of custody", a parent or legal guardian of the child;

(12) "Photographs" or "films", the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person;

(13) "Place where a person would have a reasonable expectation of privacy", any place where a reasonable person would believe that a person could disrobe in privacy, without being concerned that the person's undressing was being viewed, photographed or filmed by another;

(14) "Special victim", any of the following:

- (a) A law enforcement officer assaulted in the performance of his or her official duties or as a direct result of such official duties;
- (b) Emergency personnel, any paid or volunteer firefighter, emergency room, **hospital**, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;
- (c) A probation and parole officer assaulted in the performance of his or her official duties or as a direct result of such official duties;
- (d) An elderly person;
- (e) A person with a disability;
- (f) A vulnerable person;
- (g) Any jailer or corrections officer of the state or one of its political subdivisions assaulted in the performance of his or her official duties or as a direct result of such official duties;
- (h) A highway worker in a construction or work zone as the terms "highway worker", "construction zone", and "work zone" are defined under section 304.580;
- (i) Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his or her job duties, including any person employed under a contract;
- (j) Any cable worker, meaning any employee of a cable operator, as such term is defined in section 67.2677, including any person employed under contract, while in the performance of his or her job duties; and
- (k) Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his or her job duties;
- (15) "Sudden passion", passion directly caused by and arising out of provocation by the victim or another acting with the victim which passion arises at the time of the offense and is not solely the result of former provocation;
- (16) "Trier", the judge or jurors to whom issues of fact, guilt or innocence, or the assessment and declaration of punishment are submitted for decision;
- (17) "Views", the looking upon of another person, with the unaided eye or with any device designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual desire of any person.

**565.024. INVOLUNTARY MANSLAUGHTER, FIRST DEGREE, PENALTY.** — 1. A person commits the offense of involuntary manslaughter in the first degree if he or she recklessly causes the death of another person.

2. The offense of involuntary manslaughter in the first degree is a class C felony, **unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class B felony.**

**565.027. INVOLUNTARY MANSLAUGHTER, SECOND DEGREE, PENALTY.** — 1. A person commits the offense of involuntary manslaughter in the second degree if he or she acts with criminal negligence to cause the death of any person.

2. The offense of involuntary manslaughter in the second degree is a class E felony, **unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony.**

**565.076. DOMESTIC ASSAULT IN THE FOURTH DEGREE, PENALTY.** — 1. A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and:



- (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;
- (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;
- (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means;
- (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;
- (5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or
- (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of **domestic assault [of a domestic victim], of any assault offense under this chapter, or of any offense against a domestic victim 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 a violation of this section,** in which case it is a class E felony. The offenses described in this subsection may be against the same domestic victim or against different domestic victims.

**565.091. HARASSMENT, SECOND DEGREE, PENALTY.** — 1. A person commits the offense of harassment in the second degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

2. The offense of harassment in the second degree is a class A misdemeanor, **unless the person has previously pleaded guilty to or been found guilty of a violation of this section, 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 subsection, in which case it is a class E felony.**

**3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violations of federal, state, county, or municipal law.**

**565.225. 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, **or unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer**, in which case stalking in the first degree is a class D felony.

**565.227. STALKING, SECOND DEGREE, PENALTY.** — 1. A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.

2. 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.

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. The offense of stalking in the second degree is a class A misdemeanor, unless the defendant has previously been found guilty of a violation of this section or section 565.225, or of 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 565.225, **or unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer**, in which case stalking in the second degree is a class E felony.

**566.010. CHAPTER 566 AND CHAPTER 568 DEFINITIONS.** — As used in this chapter and chapter 568, the following terms mean:

(1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:

(a) Inflicts serious physical injury on the victim; [or]

(b) Displays a deadly weapon or dangerous instrument in a threatening manner; [or]

(c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person; [or]

(d) Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections;

- (e) Commits the offense as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity; or
- (f) Engages in the act that constitutes the offense with a person the actor knows to be, without regard to legitimacy, the actor's:
  - a. Ancestor or descendant by blood or adoption;
  - b. Stepchild while the marriage creating that relationship exists;
  - c. Brother or sister of the whole or half blood; or
  - d. Uncle, aunt, nephew, or niece of the whole blood;
- (2) "Commercial sex act", any sex act on account of which anything of value is given to or received by any person;
- (3) "Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;
- (4) "Forced labor", a condition of servitude induced by means of:
  - (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or
  - (b) The abuse or threatened abuse of the legal process;
- (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;
- (6) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;
- (7) "Sexual intercourse", any penetration, however slight, of the female genitalia by the penis.

**566.150. CERTAIN OFFENDERS NOT TO BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A PUBLIC PARK, SWIMMING POOL, OR MUSEUM—VIOLATION, PENALTY.** — 1. Any person who has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section; shall not knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment [or], a public swimming pool, **or any museum if such museum holds itself out to the public as and exists with the primary purpose of entertaining or educating children under eighteen years of age.**

- 2. The first violation of the provisions of this section is a class E felony.
- 3. A second or subsequent violation of this section is a class D felony.

**568.040. CRIMINAL NONSUPPORT, PENALTY — DEFINITIONS — PAYMENT OF SUPPORT AS A CONDITION OF PAROLE — EXPUNGEMENT OF RECORDS, WHEN — 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) "Arrearage":

(a) **The amount of moneys created by a failure to provide support to a child under an administrative or judicial support order;**

(b) **Support to an estranged or former spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such estranged or former spouse is the custodial parent; or**

(c) **Both paragraphs (a) and (b) of this subdivision.**

**The arrearage shall reflect any retroactive support ordered under a modification and any judgments entered by a court of competent jurisdiction or any authorized agency and any satisfactions of judgment filed by the custodial parent;**

(2) "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)] (3) "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)] (4) "Support" means food, clothing, lodging, and medical or surgical attention;

[(4)] (5) 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)] (5) of subsection 2 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. (1) If at any time an offender convicted of criminal nonsupport, **or an offender who has plead guilty to a charge 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] **shall** 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.

(2) If the offender fails to pay the [current] support and arrearages [as ordered] **under the terms of his or her probation**, 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.

(3) (a) **An individual whose children were the subject of a child support order and the obligation of such individual to make child support payments has been terminated under subsection 3 of section 452.340, who has been found guilty of a felony offense for criminal nonsupport under this section, and who has successfully completed probation after a plea of guilty or conviction may petition the court for expungement of all**

recordations of his or her arrest, plea, trial, or conviction. If the court determines after hearing that such person:

a. Has not been convicted of any subsequent offense, unless such offense is eligible for expungement under a different section;

b. Does not have any other felony pleas of guilt, findings of guilt, or convictions, unless such felony pleas of guilt, findings of guilt, or convictions are eligible for expungement under a different section;

c. Has paid off all arrearages; and

d. Has no administrative child support actions pending at the time of the hearing on the application for expungement with respect to all children subject to orders of payment of child support the court shall enter an order of expungement. In addition, the court may consider successful completion of a criminal nonsupport court program under section 478.1000, or any other circumstances or factors deemed relevant by the court.

(b) Upon granting the order of expungement, the records and files maintained in any court proceeding in an associate or a circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown.

(c) 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 for 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.

(d) A person shall only be entitled to one expungement under this section. Nothing in this section shall prevent the director of the department of social services from maintaining such records as to ensure that an individual receives only one expungement under this section for the purpose of informing the proper authorities of the contents of any record maintained under 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] **within** the department of social services **regarding child support enforcement 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.

**569.100. PROPERTY DAMAGE IN THE FIRST DEGREE — PENALTIES.** — 1. A person commits the offense of property damage in the first degree if such person:

- (1) Knowingly damages property of another to an extent exceeding seven hundred fifty dollars; or
- (2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of defrauding an insurer; or
- (3) Knowingly damages a motor vehicle of another and the damage occurs while such person is making entry into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle.

2. The offense of property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class E felony, **unless the offense of property damage in the first degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony.** The offense of property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony.

**569.120. PROPERTY DAMAGE IN THE SECOND DEGREE — PENALTY.** — 1. A person commits the offense of property damage in the second degree if he or she:

- (1) Knowingly damages property of another; or
- (2) Damages property for the purpose of defrauding an insurer.

2. The offense of property damage in the second degree is a class B misdemeanor, **unless the offense of property damage in the second degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class A misdemeanor.**

**569.140. TRESPASS IN THE FIRST DEGREE — PENALTY.** — 1. A person commits the offense of trespass in the first degree if he or she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

2. A person does not commit the offense of trespass in the first degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

- (1) Actual communication to the actor; or
- (2) Posting in a manner reasonably likely to come to the attention of intruders.

3. The offense of trespass in the first degree is a class B misdemeanor, **unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class A misdemeanor.**

**575.280. ACCEDING TO CORRUPTION — PENALTIES.** — 1. A person commits the offense of acceding to corruption if he or she:

(1) Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that it will influence his or her official action in a judicial proceeding pending in any court or before such official or juror;

(2) Is a witness or prospective witness in any official proceeding and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding

that he or she will disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information or documents, or testify falsely.

2. The offense of acceding to corruption under subdivision [(2)] (1) of subsection 1 of this section [is a class A misdemeanor. The offense, when committed under subdivision (1) of subsection 1 of this section,] is a class C felony; unless the offense is committed in a felony prosecution, or on the representation or understanding of testifying falsely, in which case it is a class E felony]. **The offense of acceding to corruption under subdivision (2) of subsection 1 of this section in a felony prosecution or on the representation or understanding of testifying falsely is a class D felony. Otherwise acceding to corruption is a class A misdemeanor.**

**577.001. 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) Two 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;
- (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 **state law**, county or municipal ordinance, **any federal offense, or any military offense**, 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. 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;

**(c) While driving while intoxicated, the defendant acts with criminal negligence to 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 in section 301.010, or the highway's right-of-way;**

**(d) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons; or**

**(e) While driving while intoxicated, the defendant acts with criminal negligence to 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;**

(7) A class A felony if the defendant [is a habitual offender as a result of being] **has previously been** found guilty of an [act described under paragraph (d) of subdivision (11) of section 577.001] **offense under paragraphs (a) to (e) of subdivision (6) of this subsection** and is found guilty of a subsequent violation of such [paragraph] **paragraphs**.

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.

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(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.

**577.060. 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 of this section; or

**(3) A class D felony if a death has occurred as a result of the accident.**

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.

**577.685. ILLEGAL REENTRY, OFFENSE OF, PENALTY. — 1. A person commits the offense of illegal reentry if he or she has been removed from the United States for any of the reasons listed under 8 U.S.C. Section 1326(b) and thereafter:**

(1) Illegally enters this state and commits a misdemeanor offense of assault or domestic assault under chapter 565, any dangerous felony offense as the term "dangerous felony" is defined section 556.061, any felony offense under chapter 579, with the exception of any offense involving the possession of marijuana, any offense under section 570.030, or any offense under section 570.217; or

(2) Commits an offense in any other state that would be considered a misdemeanor offense of assault or domestic assault under chapter 565, any dangerous felony offense as the term "dangerous felony" is defined in section 556.061, any felony offense under chapter 579, with the exception of any offense involving the possession of marijuana, any offense under section 570.030, or any offense under section 570.217 under the laws of this state, and thereafter enters this state.

2. The offense of illegal reentry is a class C felony.

**589.664. DISCLOSURE OF ADDRESS, WHEN — NOTICE — LIMITATION ON DISSEMINATION. — 1. If an individual is a participant in the address confidentiality program under section 589.663, no person or entity shall be compelled to disclose the participant's actual address during the discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal first finds, on the record, that:**

(1) There is a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed; and

(2) There is no other practicable way of obtaining the information or evidence.

2. The court shall first provide the program participant and the secretary of state notice that address disclosure is sought.

3. The program participant shall have an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed. In determining whether to compel disclosure, the court shall consider whether the potential harm to the safety of the participant is outweighed by the interest in disclosure.

4. Notwithstanding any other provision of law to the contrary, no court shall order an individual who has had his or her application to the program accepted by the secretary to disclose his or her actual address or the location of his or her residence without giving the secretary proper notice. The secretary shall have the right to intervene in any civil proceeding in which a court is considering ordering a participant to disclose his or her actual address.

5. Disclosure of a participant's actual address under this section shall be limited under the terms of the order to ensure that the disclosure and dissemination of the actual address will be no greater than necessary for the purposes of the investigation, prosecution, or litigation.

6. Nothing in this section shall be construed to prevent the court or any other tribunal from issuing a protective order to prevent the disclosure of information other than the participant's actual address that could reasonably lead to the discovery of the program participant's location.

**589.675. INSPECTION AND COPYING OF ADDRESSES, WHEN. —** If the secretary deems it appropriate, the secretary [shall] may make a program participant's address and mailing address available for inspection or copying [under the following circumstances:

(1) to a person identified in a court order, upon the secretary's receipt of such court order that **complies with section 559.664** [specifically orders the disclosure of a particular program participant's address and mailing address and the reasons stated for the disclosure; or

(2) If the certification has been cancelled because the applicant or program participant violated subdivision (2) of section 589.663].

**610.145. STOLEN OR MISTAKEN IDENTITY, EXPUNGEMENT OF RECORDS, PROCEDURE.**

— 1. (1) If a person is named in a charge for an infraction or offense, whether a misdemeanor or a felony, as a result of another person using the identifying information of the named person or as a result of mistaken identity and the charges were dismissed or such person was found not guilty, the named person may apply by petition or written motion to the court where the charge was last pending on a form approved by the office of state courts administrator and supplied by the clerk of the court for an order to expunge from all official records any entries relating to the person's apprehension, charge, or trial. The court, after providing notice to the prosecuting attorney, shall hold a hearing on the motion or petition and, upon finding that the person's identity was used without permission and the charges were dismissed or the person was found not guilty, the court shall order the expungement.

(2) If any person is named in a charge for an infraction or offense, whether a misdemeanor or a felony, as a result of another person using the identifying information of the named person or mistaken identity, and the charge against the named person is dismissed, the prosecutor or other judicial officer who ordered the dismissal shall provide notice to the court of the dismissal, and the court shall order the expungement of all official records containing any entries relating to the person's apprehension, charge, or trial.

2. No person as to whom such an order has been entered under this section shall be held thereafter under any provision of law to be guilty of perjury or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of the person's failure to recite or acknowledge any expunged entries concerning apprehension, charge, or trial.

3. The court shall also order that such entries shall be expunged from the records of the court and direct all law enforcement agencies, the department of corrections, the department of revenue, or any other state or local government agency identified by the petitioner, or the person eligible for automatic expungement under subdivision (2) of subsection 1 of this section, as bearing record of the same to expunge their records of the entries. The clerk shall notify state and local agencies of the court's order. The costs of expunging the records, as provided in this chapter, shall not be taxed against the person eligible for expungement under this section.

4. The department of revenue shall expunge from its records entries made as a result of the charge or conviction ordered expunged under this section. The department of revenue shall also reverse any administrative actions taken against a person whose record is expunged under this section as a result of the charges or convictions expunged, including the assessment of the driver's license points and driver's license suspension or revocation. Notwithstanding any other provision of this chapter to the contrary, the department of revenue shall provide to the person whose motor vehicle record is expunged under this section a certified corrected driver history at no cost and shall reinstate at no cost any driver's license suspended or revoked as a result of a charge or conviction expunged under this section.

5. The department of corrections and any other applicable state or local government agency shall expunge its records as provided in subsection 3 of this section. The agency shall also reverse any administrative actions taken against a person whose record is expunged under this section as a result of the charges or convictions being expunged.

Notwithstanding any other provision of law to the contrary, the normal fee for any reinstatement of a license or privilege resulting under this section shall be waived.

6. Any insurance company that charged any additional premium based on insurance points assessed against a policyholder as a result of a charge or conviction that was expunged under this section shall refund such additional premiums for the three-year period immediately prior to the entry of the expungement by the court to the policyholder upon notification and verification of the expungement.

7. For purposes of this section, the term "mistaken identity" shall mean the erroneous arrest of a person for an offense as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the offense, misinformation provided to law enforcement as to the identity of the person who committed the offense, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the offense.

**650.055. FELONY CONVICTIONS FOR CERTAIN OFFENSES TO HAVE BIOLOGICAL SAMPLES COLLECTED, WHEN — USE OF SAMPLE — HIGHWAY PATROL AND DEPARTMENT OF CORRECTIONS, DUTY — DNA RECORDS AND BIOLOGICAL MATERIALS TO BE CLOSED RECORD, DISCLOSURE, WHEN — EXPUNGEMENT OF RECORD, WHEN.** — 1. Every individual who:

(1) Is found guilty of a felony or any offense under chapter 566; or  
(2) Is seventeen years of age or older and arrested for burglary in the first degree under section 569.160, or burglary in the second degree under section 569.170, or a felony offense under chapter 565, 566, 567, 568, or 573; or

(3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) Is an individual required to register as a sexual offender under sections 589.400 to 589.425; shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis.

2. Any individual subject to DNA collection and profiling analysis under this section shall provide a DNA sample:

(1) Upon booking at a county jail or detention facility; or

(2) Upon entering or before release from the department of corrections reception and diagnostic centers; or

(3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by a private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was found guilty of a felony offense in any other jurisdiction; or

(5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, and on parole, as also defined in section 217.650; or

(6) At the time of registering as a sex offender under sections 589.400 to 589.425.

3. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as

necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over individuals included in subsection 1 of this section which shall not be set aside or reversed is hereby made mandatory. The board of probation or parole shall recommend that an individual on probation or parole who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

4. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system.

5. Unauthorized use or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

6. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank system.

7. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

(1) Peace officers, as defined in section 590.010, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;

(2) The attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27;

(3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their employees who need to obtain such records to perform their public duties;

(4) The individual whose DNA sample has been collected, or his or her attorney; or

(5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.

8. Any person who obtains records pursuant to the provisions of this section shall use such records only for investigative and prosecutorial purposes, including but not limited to use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes, including identification of human remains. Such records shall be considered strictly confidential and shall only be released as authorized by this section.

9. **(1)** An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal, **or through the court granting an expungement of all official records under section 568.040.** A certified copy of the court order establishing that such conviction has been reversed [or], guilty plea has been set aside, **or expungement has been granted under section 568.040** shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction and no other qualifying arrest prior to expungement.

~~[(1)]~~ **(2)** A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section and sections 650.050, 650.052, and 650.100 may request expungement on the grounds that the conviction has been reversed, [or] the guilty plea on which the authority for including that person's DNA record or DNA profile was based has been set aside, **or an expungement of all official records has been granted by the court under section 568.040.**

~~[(2)]~~ **(3)** Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction [or], setting aside the plea, **or granting an expungement of all official records under section 568.040,** and any other information necessary to ascertain

the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the state DNA database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.

[(3)] (4) The Missouri state highway patrol is not required to destroy any item of physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed.

[(4)] (5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.

10. When a DNA sample is taken from an individual pursuant to subdivision (2) of subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting agency of that decision, the arresting agency shall notify the Missouri state highway patrol crime laboratory within ninety days of receiving such notification. Within thirty days of being notified by the arresting agency that the prosecutor has declined prosecution, the Missouri state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained. If the individual has no other qualifying offenses or arrests, the crime laboratory shall expunge all DNA records in the database taken at the arrest for which the prosecution was declined pertaining to the person and destroy the DNA sample of such person.

11. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:

(1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;

(2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;

(3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;

(4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict. If the state highway patrol crime laboratory receives notice under this subsection, such crime laboratory shall determine, within thirty days, whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken. If the individual has no other qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database pertaining to such person and destroy the person's DNA sample.

**650.520. LAW ENFORCEMENT, SUSPECTS IN THE KILLING OR SERIOUSLY WOUNDING OF, ALERT SYSTEM CREATED — DEPARTMENT TO DEVELOP AND ADMINISTER — FALSE REPORT, PENALTY. — 1. There is hereby created a statewide program called the "Blue Alert System" referred to in this section as the "system" to aid in the identification, location, and apprehension of any individual or individuals suspected of killing or seriously wounding any local, state, or federal law enforcement officer.**

**2. For the purposes of this section, "law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States.**

**3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement agencies and public**



commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and a killing or serious wounding of a law enforcement officer occurs within the jurisdiction, it shall notify the department of public safety who will notify local media in the region.

4. The blue alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. At a minimum, the blue alert system shall include the department of public safety, highway patrol, department of transportation, and Missouri lottery.

5. The department of public safety shall have the authority to develop, implement, and manage the blue alert system.

6. Participation in a blue alert system is entirely at the option of local law enforcement agencies, federally licensed radio and television broadcasters, and other private entities that volunteer to participate in the dissemination of urgent public information.

7. Any person who knowingly makes a false report that triggers an alert under this section is guilty of a class A misdemeanor; except that, if the false report results in serious physical injury or death, such person is guilty of a class E felony.

8. The department of public safety may promulgate rules for the implementation of the blue alert system. 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, 2017, shall be invalid and void.

Approved July 6, 2017

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SB 35 [CCS HCS SS SB 35]

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

**Modifies public notice and hearing requirements for certain land purchases made by the Department of Natural Resources or the Commissioner of Administration on behalf of state departments**

AN ACT to repeal section 34.030, RSMo, and to enact in lieu thereof one new section relating to state purchases of land.

SECTION

- A. Enacting clause.  
34.030. Commissioner to purchase all supplies and lands — requirements for certain land purchases.

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

**SECTION A. ENACTING CLAUSE.** — Section 34.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 34.030, to read as follows:

**34.030. COMMISSIONER TO PURCHASE ALL SUPPLIES AND LANDS — REQUIREMENTS FOR CERTAIN LAND PURCHASES.** — 1. The commissioner of administration shall purchase all

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supplies for all departments of the state, except as in this chapter otherwise provided. The commissioner of administration shall negotiate all leases and purchase all lands, except for such departments as derive their power to acquire lands from the constitution of the state.

**2. When the commissioner of administration contracts to purchase lands on behalf of any department of the state that will be owned and managed by such department or when the department of natural resources contracts to purchase lands that will be owned or managed by the department of natural resources, and such lands exceed sixty or more acres in a single transaction or such purchase price exceeds two hundred fifty thousand dollars in a single transaction, the respective department shall:**

(1) Provide public notice on its departmental website and to each publicly elected official that represents all or part of the county in which the land to be purchased is located at least sixty days prior to the department of natural resources purchasing such land or the commissioner of administration purchasing such land on behalf of a department;

(2) Provide public notice in one newspaper with a circulation of more than five hundred customers and qualified under section 493.050 in every county in which the department of natural resources intends to purchase land or the commissioner of administration intends to purchase private land on behalf of a department. Such public notice shall be published once per week in such newspaper for a minimum of two weeks prior to such land purchase; and

(3) Hold a public hearing in every county in which the department of natural resources intends to purchase land or the commissioner of administration intends to purchase land on behalf of a department. The department shall provide public notice of the public hearing on its departmental website and in writing to each publicly elected official who represents all or part of the county in which the land to be purchased is located at least fourteen calendar days prior to the hearing. The department shall also publish a public notice of the public hearing in at least one newspaper with a circulation of more than five hundred customers and qualified under section 493.050 in the county in which the land to be purchased is located. The public notice shall be published once per week in such newspaper or newspapers for a minimum of two weeks prior to the public hearing.

Approved July 10, 2017

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SB 43 [SS#2 SCS SB 43]

**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 unlawful discrimination**

AN ACT to repeal sections 213.010, 213.040, 213.050, 213.055, 213.065, 213.070, 213.075, 213.101, and 213.111, RSMo, and to enact in lieu thereof ten new sections relating to unlawful discriminatory practices.

**SECTION**

- A. Enacting clause.
  - 213.010. Definitions.
  - 213.040. Unlawful housing practices — discrimination in housing — sufficient compliance with other standards — local government compliance — construction of law — housing for older persons, defined — conviction for controlled substances, effect — religious organizations, effect of.
  - 213.050. Discrimination in selling or renting by real estate agencies prohibited.
  - 213.055. Unlawful employment practices — exceptions.
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- 213.065. Discrimination in public accommodations prohibited, exceptions.
- 213.070. Additional unlawful discriminatory practices.
- 213.075. Complaints to commission, how filed, when — filing with federal agencies, effect — duties of executive director — respondents — hearing, notice, procedure — attorney general to represent commission — appeal, discovery — effect of orders of commission.
- 213.101. Construction of statutes — abrogation of certain case law and jury instructions.
- 213.111. Right to civil action, when — relief available — costs and attorney's fees, awarded when — right to trial by jury — maximum damages — burden of proof, employment-related civil actions.
- 285.575. Citation of law — definitions — at-will employment doctrine codified — protected persons, prohibited discharge — action for damages, when, remedies.
  - B. Severability clause.

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

**SECTION A. ENACTING CLAUSE.** — Sections 213.010, 213.040, 213.050, 213.055, 213.065, 213.070, 213.075, 213.101, and 213.111, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 213.010, 213.040, 213.050, 213.055, 213.065, 213.070, 213.075, 213.101, 213.111, and 285.575, to read as follows:

**213.010. DEFINITIONS.** — As used in this chapter, the following terms shall mean:

(1) "Age", an age of forty or more years but less than seventy years, except that it shall not be an unlawful employment practice for an employer to require the compulsory retirement of any person who has attained the age of sixty-five and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if such person is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan, or any combination of such plans, of the employer, which equals, in the aggregate, at least forty-four thousand dollars;

(2) "**Because**" or "**because of** ", as it relates to the adverse decision or action, the protected criterion was the motivating factor;

(3) "Commission", the Missouri commission on human rights;

[(3)] (4) "Complainant", a person who has filed a complaint with the commission alleging that another person has engaged in a prohibited discriminatory practice;

[(4)] (5) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this chapter, the term "disability" does not include current, illegal use of or addiction to a controlled substance as such term is defined by section 195.010; however, a person may be considered to have a disability if that person:

(a) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;

(b) Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

(c) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance;

[(5)] (6) "Discrimination", [any unfair treatment based on] **conduct proscribed herein, taken because of** race, color, religion, national origin, ancestry, sex, or age as it relates to employment, disability, or familial status as it relates to housing;

[(6)] (7) "Dwelling", any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof;

**[(7)] (8) "Employer" [includes], a person engaged in an industry affecting commerce who has six or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and shall include the state, or any political or civil subdivision thereof, or any person employing six or more persons within the state[, and any person directly acting in the interest of an employer,] but does not include corporations and associations owned [and] or operated by religious or sectarian [groups] organizations. "Employer" shall not include:**

- (a) The United States;**
- (b) A corporation wholly owned by the government of the United States;**
- (c) An individual employed by an employer;**
- (d) An Indian tribe;**
- (e) Any department or agency of the District of Columbia subject by statute to procedures of the competitive service, as defined in 5 U.S.C. Section 2101; or**
- (f) A bona fide private membership club, other than a labor organization, that is exempt from taxation under 26 U.S.C. Section 501(c);**

**[(8)] (9) "Employment agency" includes any person or agency, public or private, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer [and includes any person acting in the interest of such a person];**

**[(9)] (10) "Executive director", the executive director of the Missouri commission on human rights;**

**[(10)] (11) "Familial status", one or more individuals who have not attained the age of eighteen years being domiciled with:**

- (a) A parent or another person having legal custody of such individual; or**
- (b) The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination [on the basis] because of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;**

**[(11)] (12) "Human rights fund", a fund established to receive civil penalties as required by federal regulations and as set forth by subdivision (2) of subsection 11 of section 213.075, and which will be disbursed to offset additional expenses related to compliance with the Department of Housing and Urban Development regulations;**

**[(12)] (13) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment;**

**[(13)] (14) "Local commissions", any commission or agency established prior to August 13, 1986, by an ordinance or order adopted by the governing body of any city, constitutional charter city, town, village, or county;**

**[(14)] (15) "Person" includes one or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons;**

**[(15)] (16) "Places of public accommodation", all places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:**

- (a) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;**

(b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;

(c) Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;

(d) Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

(e) Any public facility owned, operated, or managed by or on behalf of this state or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;

(f) Any establishment which is physically located within the premises of any establishment otherwise covered by this section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment;

~~[(16)]~~ (17) "Rent" includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant;

~~[(17)]~~ (18) "Respondent", a person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the commission;

**(19) "The motivating factor", the employee's protected classification actually played a role in the adverse action or decision and had a determinative influence on the adverse decision or action;**

~~[(18)]~~ (20) "Unlawful discriminatory practice", any act that is unlawful under this chapter.

**213.040. UNLAWFUL HOUSING PRACTICES — DISCRIMINATION IN HOUSING — SUFFICIENT COMPLIANCE WITH OTHER STANDARDS — LOCAL GOVERNMENT COMPLIANCE — CONSTRUCTION OF LAW — HOUSING FOR OLDER PERSONS, DEFINED — CONVICTION FOR CONTROLLED SUBSTANCES, EFFECT — RELIGIOUS ORGANIZATIONS, EFFECT OF. — 1.** It shall be an unlawful housing practice:

(1) To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability, or familial status;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability, or familial status;

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination ~~[based on]~~ **because of** race, color, religion, national origin, ancestry, sex, disability, or familial status, or an intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, color, religion, national origin, ancestry, sex, disability, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons **because** of a particular race, color, religion, national origin, ancestry, sex, disability, or familial status;

(6) To discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that buyer or renter;

(7) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

- (a) That person;
- (b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
- (c) Any person associated with that person.

2. For purposes of this section and sections 213.045 and 213.050, discrimination includes:

(1) A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

(a) The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability;

(b) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs; and

(c) All premises within such dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

c. Reinforcements in bathroom walls to allow later installation of grab bars; and

d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

3. As used in subdivision (3) of subsection 2 of this section, the term "covered multifamily dwelling" means:

(1) Buildings consisting of four or more units if such buildings have one or more elevators; and

(2) Ground floor units in other buildings consisting of four or more units.

4. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of paragraph (a) of subdivision (3) of subsection 2 of this section.

5. Where a unit of general local government has incorporated into its laws the requirements set forth in subdivision (3) of subsection 2 of this section, compliance with such laws shall be deemed to satisfy the requirements of that subdivision. Such compliance shall be subject to the following provisions:

(1) A unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of subdivision (3) of subsection 2 of this section are met;

(2) The commission shall encourage, but may not require, the units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with subdivision (3) of subsection 2 of this section, and shall provide

technical assistance to units of local government and other persons to implement the requirements of subdivision (3) of subsection 2 of this section;

(3) Nothing in this chapter shall be construed to require the commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of subdivision (3) of subsection 2 of this section.

6. Nothing in this chapter shall be construed to invalidate or limit any law of the state or political subdivision of the state, or other jurisdiction in which this chapter shall be effective, that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this chapter.

7. Nothing in this section and sections 213.045 and 213.050 requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

8. Nothing in this section and sections 213.045 and 213.050 limits the applicability of any reasonable local or state restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision in this section and sections 213.045 and 213.050 regarding familial status apply with respect to housing for older persons.

9. As used in this section and sections 213.045 and 213.050, "housing for older persons" means housing:

(1) Provided under any state or federal program that the commission determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) Intended for, and solely occupied by, persons sixty-two years of age or older; or

(3) Intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the commission shall develop regulations which require at least the following factors:

(a) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(b) That at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and

(c) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

10. Housing shall not fail to meet the requirements for housing for older persons by reason of:

(1) Persons residing in such housing as of August 28, 1992, who do not meet the age requirements of subdivision (2) or (3) of subsection 9 of this section, provided that new occupants of such housing meet the age requirements of subdivision (2) or (3) of subsection 9 of this section; or

(2) Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subdivision (2) or (3) of subsection 9 of this section.

11. Nothing in this section or section 213.045 or 213.050 shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by section 195.010.

12. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this

chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

13. Nothing in this chapter, other than the prohibitions against discriminatory advertising in subdivision (3) of subsection 1 of this section, shall apply to:

(1) The sale or rental of any single family house by a private individual owner, provided the following conditions are met:

(a) The private individual owner does not own or have any interest in more than three single family houses at any one time; and

(b) The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this section applies to only one such sale in any twenty-four-month period; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

**213.050. DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED.** — It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, [on account] **because** of race, color, religion, national origin, ancestry, sex, disability, or familial status.

**213.055. UNLAWFUL EMPLOYMENT PRACTICES — EXCEPTIONS.** — 1. It shall be an unlawful employment practice:

(1) For an employer, because of the race, color, religion, national origin, sex, ancestry, age or disability of any individual:

(a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, ancestry, age or disability;

(b) To limit, segregate, or classify his employees or his employment applicants in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, national origin, sex, ancestry, age or disability;

(2) For a labor organization to exclude or to expel from its membership any individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer because of race, color, religion, national origin, sex, ancestry, age or disability of any individual; or to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, national origin, sex, ancestry, age or disability; or for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, national origin, sex, ancestry, age or disability in admission to, or employment in, any program established to provide apprenticeship or other training;



(3) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination, because of race, color, religion, national origin, sex, ancestry, age or disability unless based upon a bona fide occupational qualification or for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his **or her** race, color, religion, national origin, sex, ancestry, age as it relates to employment, or disability, or to classify or refer for employment any individual [on the basis] **because** of his **or her** race, color, religion, national origin, sex, ancestry, age or disability.

2. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences or such systems are not the result of an intention or a design to discriminate, and are not used to discriminate, because of race, color, religion, sex, national origin, ancestry, age or disability, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results thereof, is not designed, intended or used to discriminate because of race, color, religion, national origin, sex, ancestry, age or disability.

3. Nothing contained in this chapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of the race, color, religion, national origin, sex, ancestry, age or disability of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, national origin, sex, ancestry, age or disability employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, national origin, sex, ancestry, age or disability in any community, state, section, or other area, or in the available workforce in any community, state, section, or other area.

4. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for the state or any political subdivision of the state to comply with the provisions of 29 U.S.C. 623 relating to employment as firefighters or law enforcement officers.

**213.065. DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED, EXCEPTIONS.**

— 1. All persons within the jurisdiction of the state of Missouri are free and equal and shall be entitled to the full and equal use and enjoyment within this state of any place of public accommodation, as hereinafter defined, without discrimination or segregation [on the grounds] **because** of race, color, religion, national origin, sex, ancestry, or disability.

2. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in section 213.010 and this section, or to segregate or discriminate against any such person in the use thereof [on the grounds] **because** of race, color, religion, national origin, sex, ancestry, or disability.

3. The provisions of this section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments

are made available to the customers or patrons of a place of public accommodation as defined in section 213.010 and this section.

**213.070. ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES. — 1.** It shall be an unlawful discriminatory practice **for an employer, employment agency, labor organization, or place of public accommodation:**

(1) To aid, abet, incite, compel, or coerce the commission of acts prohibited under this chapter or to attempt to do so;

(2) To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this chapter or because such person has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this chapter;

(3) For the state or any political subdivision of this state to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, as it relates to employment, disability, or familial status as it relates to housing; or

(4) To discriminate in any manner against any other person because of such person's association with any person protected by this chapter.

**2. This chapter, in addition to chapter 285 and chapter 287, shall provide the exclusive remedy for any and all claims for injury or damages arising out of an employment relationship.**

**213.075. COMPLAINTS TO COMMISSION, HOW FILED, WHEN — FILING WITH FEDERAL AGENCIES, EFFECT — DUTIES OF EXECUTIVE DIRECTOR — RESPONDENTS — HEARING, NOTICE, PROCEDURE — ATTORNEY GENERAL TO REPRESENT COMMISSION — APPEAL, DISCOVERY — EFFECT OF ORDERS OF COMMISSION. — 1.** As a **jurisdictional condition precedent to filing a civil action under this chapter**, any person claiming to be aggrieved by an unlawful discriminatory practice [may] **shall** make, sign and file with the commission a verified complaint in writing, within one hundred eighty days of the alleged act of discrimination, which shall state the name and address of the [person] **employer, employment agency, labor organization, or place of public accommodation** alleged to have committed the unlawful discriminatory practice and which shall set forth the particulars thereof and such other information as may be required by the commission. The complainant's agent, attorney or the attorney general may, in like manner, make, sign and file such complaint. **The failure to timely file a complaint with the commission shall deprive the commission of jurisdiction to investigate the complaint. The commission shall make a determination as to its jurisdiction with respect to all complaints. Notwithstanding any other provision of this chapter to the contrary, if a complaint is not filed with the commission within one hundred eighty days of the alleged act of discrimination, the commission shall lack jurisdiction to take any action on such a complaint other than to dismiss the complaint for lack of jurisdiction. The failure to timely file a complaint with the commission may be raised as a complete defense by a respondent or defendant at any time, either during the administrative proceedings before the commission, or in subsequent litigation, regardless of whether the commission has issued the person claiming to be aggrieved a letter indicating his or her right to bring a civil action and regardless of whether the employer asserted the defense before the commission.**

2. Any complaint which is filed with the federal Equal Employment Opportunity Commission or other federal agencies with which the commission has a work-sharing or deferral agreement, or with a local commission which has been certified as substantially equivalent by the commission, shall be deemed filed with the commission on the date that such complaint is received by such federal agency or local commission. A copy of all complaints filed with a local commission with the authority to enforce the provisions of this chapter is to be forwarded to the commission within seven days of the filing thereof with such local commission. If a local

commission has jurisdiction to hear a complaint filed with the commission, such complaint shall be deemed to have been filed with the local commission on the date on which such complaint was filed with the commission. The commission shall, within seven days of the receipt of a complaint which a local commission has jurisdiction to hear, forward a copy thereof to such local commission.

3. After the filing of any complaint, the executive director shall, with the assistance of the commission's staff, promptly investigate the complaint, and if the director determines after the investigation that probable cause exists for crediting the allegations of the complaint, the executive director shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion, and shall report the results to the commission. The investigation, determination of probable cause and conciliation shall be conducted according to such rules, regulations and guidelines as the commission shall prescribe.

4. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, pursuant to such rules, regulations, and guidelines as the commission shall prescribe. Such notice, in addition to complying with the requirements of such rules, regulations, and guidelines, shall also state the reason why the person to whom the notice is addressed has been joined as a party.

5. In case of failure to eliminate such discriminatory practice as found in the investigation, if in the judgment of the chairperson of the commission circumstances so warrant, there shall be issued and served in the name of the commission, a written notice, together with a copy of the complaint, as it may have been amended, requiring the person named in the complaint, hereinafter referred to as "respondent", to answer the charges of the complaint at a hearing, at a time and place to be specified in the notice, before a panel of at least three members of the commission sitting as the commission or before a hearing examiner licensed to practice law in this state who shall be appointed by the executive director and approved by the commission. The place of the hearing shall be in the office of the commission or such other place designated by it, except that if the respondent so requests, in writing, the hearing shall be held in the county of such person's residence or business location at the time of the alleged unlawful discriminatory practice. A copy of the notice shall also be served on the complainants.

6. In all cases where a written notice of hearing has been issued and a party has not elected the option to proceed in circuit court as set forth in section 213.076, the procedures set forth for a hearing shall apply.

7. The commission shall be a party to the action and shall be represented before the panel or the hearing examiner by the office of the attorney general or, when so delegated by the attorney general, a staff attorney of the commission. Neither the hearing examiner nor any member of the panel shall have participated in the investigation of the complaint. Evidence concerning endeavors at conciliation shall be excluded.

8. The respondent may file a written verified answer to the complaint and appear at the hearing in person or otherwise with or without counsel, and submit testimony. At the discretion of the hearing examiner or the panel, the complainant may be allowed to intervene, thereby becoming a party to the action with the right to present testimony in person or by counsel, provided the complainant at all times shall be treated as a party for the purpose of discovery and the taking of depositions. The commission or complainant intervenor shall have the power to reasonably and fairly amend any complaint, and the respondent shall have like power to amend any answer. The testimony taken at the hearing shall be under oath and be transcribed.

9. In any contested case before the commission, any party may take and use written interrogatories, requests for production of documents and other materials, and requests for admissions, and all other forms of discovery authorized by rules of civil procedure in the same manner, upon, and under the same conditions, and upon the same notice, as is or may hereafter be provided for with respect to the taking and using of written interrogatories, requests for production of documents and other materials, and requests for admissions, and all other forms

of discovery authorized by rules of civil procedure in civil actions in the circuit court. The panel or hearing examiner shall have the authority to impose sanctions in the same manner as set forth in the rules of civil procedure.

10. The hearing shall be conducted in the manner provided by chapter 536.

11. When the case is heard by a panel of the commission, the chairperson of the commission shall select the hearing panel and the presiding officer. The presiding officer shall have full authority to call and examine witnesses, admit or exclude evidence and rule upon all motions and objections. The panel shall state its findings of fact and conclusions of law, and if, upon all the evidence at the hearing, the panel finds:

(1) That a respondent has engaged in an unlawful discriminatory practice as defined in this chapter, the commission shall issue and cause to be served on the respondent an order requiring the respondent to cease and desist from the unlawful discriminatory practice. The order shall require the respondent to take such affirmative action, as in the panel's judgment will implement the purposes of this chapter, including, but not limited to, payment of back pay; hiring; reinstatement or upgrading; restoration to membership in any respondent labor organization; the extension of full, equal and unsegregated housing; the extension of full, equal and unsegregated public accommodations; extension of a commercial real estate loan or other financial assistance; extension or restoration of membership or participation in any multiple listing service or other real estate service organization or facility; payment of actual damages; and the submission of a report of the manner of compliance;

(2) That a respondent has engaged or is about to engage in a violation of section 213.040, 213.045, 213.050, or 213.070, to the extent that the alleged violation of section 213.070 relates to or involves a violation of one or more of such other sections or relates to or involves the encouraging, aiding, or abetting of a violation of such other sections, the commission may, in addition to the relief provided in subdivision (1) of this subsection, assess a civil penalty against the respondent, for purposes of vindicating the public interest:

(a) In an amount not exceeding two thousand dollars if the respondent has not been adjudged to have violated one or more of the sections enumerated in subdivision (2) of this subsection within five years of the date of the filing of the complaint;

(b) In an amount not exceeding five thousand dollars if the respondent has been adjudged to have committed one violation of the sections enumerated in subdivision (2) of this subsection within five years of the date on which the complaint is filed;

(c) In an amount not exceeding ten thousand dollars if the respondent has been adjudged to have committed two or more prior violations of the sections enumerated in subdivision (2) of this subsection within seven years of the date on which the complaint is filed.

All civil penalties set forth in this subsection shall be paid to the human rights fund.

12. If, upon all the evidence, the panel finds that a respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and conclusions of law and shall issue and cause to be served on the complainant and respondent an order dismissing the complaint.

13. When the case is heard by a hearing examiner, the examiner shall have all powers described in subdivision (8) of section 213.030 and subsection 11 of this section, for the purpose of the hearing. The hearing examiner shall make findings of fact and conclusions of law and shall recommend to the commission an order granting such relief as provided in subsection 11 of this section or dismissing the complaint as to the respondent as provided in subsection 12 of this section, in accordance with such findings.

14. A panel of at least three members of the commission, sitting as the commission, shall review the record, findings and recommended order of the hearing examiner. The panel shall thereafter accept or amend the recommended order which shall become the order of the commission. All orders shall be served on the complainant and respondent, and copies shall be delivered to the attorney general and such other public officers as the commission deems proper.

15. No order of the commission issued pursuant to this section shall affect any contract, sale, encumbrance or lease consummated before the issuance of such order and involving a bona fide purchaser without actual notice of the charge filed pursuant to this section.

16. Any person aggrieved by an order of the commission may appeal as provided in chapter 536.

**213.101. CONSTRUCTION OF STATUTES — ABROGATION OF CERTAIN CASE LAW AND JURY INSTRUCTIONS.** — 1. The provisions of this chapter shall be construed to accomplish the purposes thereof and any law inconsistent with any provision of this chapter shall not apply. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any law of this state relating to [the] discrimination because of race, color, religion, national origin, sex, ancestry, age, disability, or familial status.

2. The general assembly hereby expressly abrogates the case of *McBryde v. Ritenour School District*, 207 S.W.3d 162 (Mo.App. E.D. 2006), and its progeny as it relates to the necessity and appropriateness of the issuance of a business judgment instruction. In all civil actions brought under this chapter, a jury shall be given an instruction expressing the business judgment rule.

3. If an employer in a case brought under this chapter files a motion pursuant to rule 74.04 of the Missouri rules of civil procedure, the court shall consider the burden-shifting analysis of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), and its progeny to be highly persuasive for analysis in cases not involving direct evidence of discrimination.

4. The general assembly hereby expressly abrogates by this statute the cases of *Daugherty v. City of Maryland Heights*, 231 S.W.3d 814 (Mo. 2007) and its progeny as they relate to the contributing factor standard and abandonment of the burden-shifting framework established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

5. The general assembly hereby expressly abrogates by this statute the holding in *Hurst v. Kansas City Mo. School District*, 437 S.W.3d 327 (Mo.App. W.D. 2014), that Missouri Approved Instruction 19.01 may be applied to actions brought pursuant to this chapter, and the holding in *Thomas v. McKeever's Enterprises, Inc.*, 388 S.W.3d 206 (Mo.App. W.D. 2012), that juries shall not be instructed that plaintiffs bear the burden of establishing "but for" causation in actions brought pursuant to this chapter.

6. The general assembly hereby abrogates all Missouri approved jury instructions specifically addressing civil actions brought under this chapter which were in effect prior to August 28, 2017.

**213.111. RIGHT TO CIVIL ACTION, WHEN — RELIEF AVAILABLE — COSTS AND ATTORNEY'S FEES, AWARDED WHEN — RIGHT TO TRIAL BY JURY — MAXIMUM DAMAGES — BURDEN OF PROOF, EMPLOYMENT-RELATED CIVIL ACTIONS.** — 1. If, after one hundred eighty days from the filing of a complaint alleging an unlawful discriminatory practice pursuant to section 213.055, 213.065 or 213.070 to the extent that the alleged violation of section 213.070 relates to or involves a violation of section 213.055 or 213.065, or subdivision (3) of section 213.070 as it relates to employment and public accommodations, the commission has not completed its administrative processing and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. If, after the filing of a complaint pursuant to sections 213.040, 213.045, 213.050 and 213.070, to the extent that the alleged violation of section 213.070 relates to or involves a violation of sections 213.040, 213.045 and 213.050, or subdivision (3) of section 213.070 as it relates to housing, and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. **The commission may not at any other time or for any**

**other reason issue a letter indicating a complainant's right to bring a civil action.** Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have [occurred] **been committed**, either before a circuit or associate circuit judge. Upon issuance of this notice, the commission shall terminate all proceedings relating to the complaint. No person may file or reinstate a complaint with the commission after the issuance of a notice under this section relating to the same practice or act. Any action brought in court under this section shall be filed within ninety days from the date of the commission's notification letter to the individual but no later than two years after the alleged cause occurred or its reasonable discovery by the alleged injured party.

2. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual and punitive damages, and may award court costs and reasonable attorney fees to the prevailing party, other than a state agency or commission or a local commission; except that, a prevailing respondent may be awarded [court costs and] reasonable attorney fees only upon a showing that the case [is] was without foundation.

3. **Any party to any action initiated under this section has a right to a trial by jury.**

4. **The sum of the amount of actual damages, including damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and punitive damages awarded under this section shall not exceed for each complaining party:**

(1) **Actual back pay and interest on back pay; and**

(2) (a) **In the case of a respondent who has more than five and fewer than one hundred one employees in each of twenty or more calendar weeks in the current or preceding calendar year, fifty thousand dollars;**

(b) **In the case of a respondent who has more than one hundred and fewer than two hundred one employees in each of twenty or more calendar weeks in the current or preceding calendar year, one hundred thousand dollars;**

(c) **In the case of a respondent who has more than two hundred and fewer than five hundred one employees in each of twenty or more calendar weeks in the current or preceding calendar year, two hundred thousand dollars; or**

(d) **In the case of a respondent who has more than five hundred employees in each of twenty or more calendar weeks in the current or preceding calendar year, five hundred thousand dollars.**

5. **In any employment-related civil action brought under this chapter, the plaintiff shall bear the burden of proving the alleged unlawful decision or action was made or taken because of his or her protected classification and was the direct proximate cause of the claimed damages.**

**285.575. CITATION OF LAW — DEFINITIONS — AT-WILL EMPLOYMENT DOCTRINE CODIFIED — PROTECTED PERSONS, PROHIBITED DISCHARGE — ACTION FOR DAMAGES, WHEN, REMEDIES. — 1. This section shall be known and may be cited as the "Whistleblower's Protection Act".**

2. **As used in this section, the following terms shall mean:**

(1) **"Because" or "because of", as it relates to the adverse decision or action, the person's status as a protected person was the motivating factor;**

(2) **"Employer", an entity that has six or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. "Employer" shall not include the state of Missouri or its agencies, instrumentalities, or political subdivisions, including but not limited to any public institution of higher education, a corporation wholly owned by the state of Missouri, an individual employed by an employer, or corporations and associations owned or operated by religious or sectarian organizations;**

(3) "Proper authorities", a governmental or law enforcement agency, an officer of an employee's employer, the employee's supervisor employed by the employer, or the employee's human resources representative employed by the employer;

(4) "Protected person", an employee of an employer who has reported to the proper authorities an unlawful act of his or her employer; an employee of an employer who reports to his or her employer serious misconduct of the employer that violates a clear mandate of public policy as articulated in a constitutional provision, statute, or regulation promulgated under statute; or an employee of an employer who has refused to carry out a directive issued by his or her employer that if completed would be a violation of the law. An employee of an employer is not a "protected person" if:

(a) The employee is a supervisory, managerial, or executive employee or an officer of his or her employer and the unlawful act or serious misconduct reported concerns matters upon which the employee is employed to report or provide professional opinion; or

(b) The proper authority or person to whom the employee makes his or her report is the person whom the employee claims to have committed the unlawful act or violation of a clear mandate of public policy;

(5) "The motivating factor", the employee's protected classification actually played a role in the adverse decision or action and had a determinative influence on the adverse decision or action.

3. This section is intended to codify the existing common law exceptions to the at-will employment doctrine and to limit their future expansion by the courts. This section, in addition to chapter 213 and chapter 287, shall provide the exclusive remedy for any and all claims of unlawful employment practices.

4. It shall be an unlawful employment practice for an employer to discharge an individual defined as a protected person in this section because of that person's status as a protected person.

5. A protected person aggrieved by a violation of this section shall have a private right of action for actual damages for violations of this section but not for punitive damages. However, if a private right of action for damages exists under another statutory or regulatory scheme, whether under state or federal law, no private right of action shall exist under this statute.

6. Any party to any action initiated under this section may demand a trial by jury.

7. A protected person aggrieved by a violation of this section shall have a private right of action that may be filed in a court of competent jurisdiction. The only remedies available in such an action shall be:

(1) Back pay;

(2) Reimbursement of medical bills directly related to a violation of this section; and

(3) Additionally, if a protected person proves, by clear and convincing evidence, that the conduct of the employer was outrageous because of the employer's evil motive or reckless indifference to the rights of others, then, such person may receive double the amount awarded under subdivisions (1) and (2) of this subsection, as liquidated damages. In applying this subdivision, the provisions of section 510.263 shall be applied as though liquidated damages were punitive damages and as though the amounts referenced in subdivisions (1) and (2) of this subsection were compensatory damages.

8. The court, in addition to the damages set forth in subsection 7 of this section, may award the prevailing party court costs and reasonable attorney fees; except that a prevailing respondent may be awarded reasonable attorney fees only upon a showing that the case was without foundation.

**SECTION B. 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 June 30, 2017

SB 49 [SS SCS SB 49]

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

**Modifies several provisions relating to local sales taxes**

AN ACT to repeal sections 67.505, 67.547, 94.510, and 144.026, RSMo, and to enact in lieu thereof four new sections relating to local sales taxes.

SECTION

- A. Enacting clause.
- 67.505. Election procedure — sales tax imposed, property taxes to be reduced — rate of tax — no zoological taxes permitted.
- 67.547. Sales tax imposed in counties — election procedure — rate of tax — St. Louis County and New Madrid County, distribution of revenue, limitation on use — zoological taxes, limitations — all-county trust fund for overpayment refunds and bad check redemption — abolishing tax, procedure.
- 94.510. Imposition of tax, election — rate — collection — abolishment of tax, effect of.
- 144.026. Director of revenue prohibited from notifying taxpayers of a particular court decision before August 28, 2018.

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

**SECTION A. ENACTING CLAUSE.** — Sections 67.505, 67.547, 94.510, and 144.026, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 67.505, 67.547, 94.510, and 144.026, to read as follows:

**67.505. ELECTION PROCEDURE — SALES TAX IMPOSED, PROPERTY TAXES TO BE REDUCED — RATE OF TAX — NO ZOOLOGICAL TAXES PERMITTED.** — 1. Any county may, by a majority vote of its governing body, impose a county sales tax, in conjunction with a property tax reduction for each year in which the sales tax is imposed, for the benefit of such county in accordance with the provisions of sections 67.500 to 67.545; provided, however, that no ordinance or order enacted pursuant to the authority granted by the provisions of sections 67.500 to 67.545 shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax and reduce property taxes under the provisions of sections 67.500 to 67.545.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of \_\_\_\_\_ (county's name) impose a countywide sales tax of \_\_\_\_\_ (insert amount) and reduce its total property tax levy annually by \_\_\_\_\_ (insert amount) percent of the total amount of sales tax revenue collected in the same tax year?

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 thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax and reduce the property tax as herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax and reduce the property tax under the provisions of sections 67.500 to 67.545 and such proposal is approved by a majority of the qualified voters voting thereon.

3. The sales tax may be imposed at a rate of one-fourth of one percent, three-eighths of one percent or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any 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. Each year in which a sales tax is imposed under the provisions of sections 67.500 to 67.545, the county shall, after determining its budget, excluding funds required to be set aside and placed to the credit of special road districts, within the limits set by the constitution and laws of this state for the following calendar year and the total property tax levy needed to raise the revenues required by such budget, reduce that total property tax levy in an amount sufficient to decrease the total property taxes it will collect by an amount equal to one of the following:

(1) Fifty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;

(2) Sixty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;

(3) Seventy percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;

(4) Eighty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;

(5) Ninety percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;

(6) One hundred percent of the sales tax revenue collected in the tax year for which the property taxes are being levied; provided that, in the event that in the immediately preceding year a county actually collected more or less sales tax revenue than the amount determined under subdivision (4) of section 67.500, the county shall adjust its total property tax levy for the current year to reflect such increase or decrease.

**4. No county in this state shall impose a tax under this section for the purpose of funding in whole or in part the construction, operation, or maintenance of any zoological activities, zoological facilities, zoological organizations, the metropolitan zoological park and museum district as created under section 184.350, or any zoological boards.**

**67.547. SALES TAX IMPOSED IN COUNTIES — ELECTION PROCEDURE — RATE OF TAX — ST. LOUIS COUNTY AND NEW MADRID COUNTY, DISTRIBUTION OF REVENUE, LIMITATION ON USE — ZOOLOGICAL TAXES, LIMITATIONS — ALL-COUNTY TRUST FUND FOR OVERPAYMENT REFUNDS AND BAD CHECK REDEMPTION — ABOLISHING TAX, PROCEDURE.**

— 1. In addition to the tax authorized by section 67.505, any county **as defined in 67.750** may, by a majority vote of its governing body, impose an additional county sales tax on all sales which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales tax allowed by law; except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose such tax.

2. The ballot of submission shall contain, but need not be limited to the following language:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert rate) percent **for the purpose of ..... (insert purpose)?**

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 thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax as herein authorized unless and until the governing body of the county submits another proposal to authorize the governing body of the county to impose the sales tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon. **A county shall not submit to the voters a proposed sales tax under this section for a period of two years from the date of an election in which the county previously submitted to the voters a proposed sales tax under this section, regardless of whether the initial proposed sales tax was approved or disapproved by the voters. The revenue collected from the sales tax authorized under this section shall only be used for the purpose approved by voters of the county.**

3. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any 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. **In any city not within a county or any county described in subsection 5 of this section, no sales tax for the purpose of funding zoological activities and zoological facilities as those terms are defined in section 184.500 shall exceed a rate of one-eighth of one percent unless the sales tax was levied and collected before August 28, 2017. Beginning August 28, 2017, no county shall submit to the voters any proposal that results in a combined rate of sales taxes adopted under this section in excess of one percent.**

4. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

5. In any first class county having a charter form of government and having a population of nine hundred thousand or more, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-eighths of the proceeds of the tax shall be distributed to the county and the remaining five-eighths shall be distributed to the cities, towns and villages and the unincorporated area of the county on the ratio that the population of each bears to the total population of the county. **Three-eighths of the tax rate adopted by such a county shall be included in the calculation of the county's one percent combined tax rate ceiling provided in subsection 3 of this section.** The population of each city, town or village and the unincorporated area of the county and the total population of the county shall be determined on the basis of the most recent federal decennial census. **The provisions of this subsection shall not apply if the revenue collected is used to support zoological activities of the zoological subdistrict as defined under section 184.352.**

6. **Except as prohibited under section 184.353, residents of any county that does not adopt a sales tax under this section for the purpose of supporting zoological activities may be charged an admission fee for zoological facilities, programs, or events that are not part of the zoological subdistrict defined under subsection 15 of section 184.352 as of August 28, 2017.**

7. In any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-fourths of the

proceeds of the tax shall be distributed to the county and the remaining one-fourth shall be distributed equally among the incorporated cities, towns, and villages of the county. Upon request from any city, town, or village within the county, the county shall make available for inspection the distribution report provided to the county by the department of revenue. Any expenses incurred by the county in supplying such report to a city, town, or village shall be paid by such city, town, or village.

[7.] **8.** In any first class county having a charter form of government and having a population of nine hundred thousand or more, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

[8.] **9. No county in this state, other than a county with a charter form of government and with more than nine hundred fifty thousand inhabitants and a city not within a county, shall impose a tax under this section for the purpose of funding in whole or in part the construction, operation, or maintenance of any zoological activities, zoological facilities, zoological organizations, the metropolitan zoological park and museum district as created under section 184.350, or any zoological boards.**

**10.** 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.

**11. No revenue received from a tax for the purpose of funding zoological activities in any county shall be used for the benefit of any entity that has ever been named Grant's Farm or is located at ten thousand five hundred one Gravois Road, Saint Louis, Missouri, or successor address, or to supplant any funding received from the metropolitan zoological park and museum district established under section 184.350.**

**94.510. IMPOSITION OF TAX, ELECTION — RATE — COLLECTION — ABOLISHMENT OF TAX, EFFECT OF.** — 1. Any city may, by a majority vote of its council or governing body, impose a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500 to 94.550; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 94.500 to 94.550 shall be effective unless the legislative body of the city submits to the voters of the city, at a public election, a proposal to authorize the legislative body of the city to impose a tax under the provisions of sections 94.500 to 94.550. The ballot of submission shall be in substantially the following form:

Shall the city of \_\_\_\_\_ (insert name of city) impose a city sales tax of \_\_\_\_\_ (insert rate of percent) percent?  
 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 and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the legislative

body of the city shall have no power to impose the tax herein authorized unless and until the legislative body of the city shall again have submitted another proposal to authorize the legislative body of the city to impose the tax under the provisions of sections 94.500 to 94.550, and such proposal is approved by a majority of the qualified voters voting thereon.

2. The sales tax may be imposed at a rate of one-half of one percent, seven-eighths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525; except that, each city not within a county may impose such tax at a rate not to exceed one and three-eighths percent. **Beginning August 28, 2017, no city shall submit to the voters any proposal that results in a combined rate of sales taxes adopted under this section in excess of two percent.**

3. If any city in which a city tax has been imposed in the manner provided for in sections 94.500 to 94.550 shall thereafter change or alter its boundaries, the city clerk of the city shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by the act shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

4. If any city abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section 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 such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

**144.026. DIRECTOR OF REVENUE PROHIBITED FROM NOTIFYING TAXPAYERS OF A PARTICULAR COURT DECISION BEFORE AUGUST 28, 2018.** — 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] **491 S.W.3d 535** (Mo. banc 2016) prior to August 28, [2017] **2018**.

Approved July 10, 2017

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SB 50 [CCS SB 50]

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

**Modifies several provisions relating to health care**

AN ACT to repeal sections 190.241, 191.332, 197.040, 197.050, 197.070, 197.071, 197.080, 197.100, 332.081, 334.036, and 345.051, RSMo, and to enact in lieu thereof sixteen new sections relating to health care, with an effective date for certain sections.

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## SECTION

- A. Enacting clause.
- 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.
- 190.242. Emergency medical services data, hospitals not required to obtain, when — trauma, STEMI, and stroke center regulations, interpretation of, hospitals not required to comply with, when.
- 191.332. Supplemental newborn screening requirements — additional screenings — rulemaking authority.
- 192.380. Neonatal care designations, criteria for — levels — rulemaking authority — facility to report level to department.
- 192.500. Inspection of cone beam computed technology systems and panoramic x-ray systems, when.
- 194.600. Registry established — definitions — submission of documents by adult declarant — confidentiality — third-party to operate registry — rulemaking authority.
- 197.005. Medicare conditions of participation compliance, deemed compliance with hospital licensure standards.
- 197.040. Beginning July 1, 2018, license for hospital required. Until June 30, 2018, license for hospital required.
- 197.050. Beginning July 1, 2018, application for license, contents — fee. Until June 30, 2018, application for license, contents — fee.
- 197.070. Beginning July 1, 2018, denial, suspension or revocation of license. Until June 30, 2018, denial, suspension or revocation of license.
- 197.071. Beginning July 1, 2018, review by administrative hearing commission. Until June 30, 2018, review by administrative hearing commission.
- 197.080. Beginning July 1, 2018, rules, procedure — regulations and standards — review and revision of regulations — rulemaking authority. Until June 30, 2018, rules, procedure — regulations and standards — review and revision of regulations — rulemaking authority.
- 197.100. Beginning July 1, 2018, inspections by department of health and senior services required, reports from certain other agencies accepted, when — department to determine life, safety, and building codes. Until June 30, 2018, inspections by department of health and senior services required, reports from certain other agencies accepted, when — department to determine life, safety, and building codes.
- 332.081. Oral health providers, hospitals may employ — unlicensed or unregistered practice prohibited — corporation, requirements, exceptions — application for permit to employ dentists and dental hygienists — rulemaking authority.
- 334.036. Assistant physicians — definitions — limitation on practice — licensure, rulemaking authority — collaborative practice arrangements.
- 345.051. Renewal of license or registration, when — form, content — mailing of form, authorized — failure to mail or to receive form, effect on licensure or registration.
- B. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 190.241, 191.332, 197.040, 197.050, 197.070, 197.071, 197.080, 197.100, 332.081, 334.036, and 345.051, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 190.241, 190.242, 191.332, 192.380, 192.500, 194.600, 197.005, 197.040, 197.050, 197.070, 197.071, 197.080, 197.100, 332.081, 334.036, and 345.051, to read as follows:

**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. **Such rules shall include designation as a trauma center without site review if such hospital is verified by a national verifying or designating body at the level which corresponds to a level approved in rule.**

2. Except as provided for in subsection [4] 5 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. **Such rules shall include designation as a STEMI center without site review if such hospital is certified by a national body.**

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] 5 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 STEMI center designation under subsection 2 of this section, a hospital may apply for STEMI center designation under 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 STEMI center if such hospital has been certified as a Joint Commission comprehensive cardiac center or another department-approved nationally-recognized organization that provides comparable STEMI center accreditation; or

(2) A level II STEMI center if such hospital has been accredited as a Mission: Lifeline STEMI receiving center by the American Heart Association accreditation process or another department-approved nationally-recognized organization that provides STEMI receiving center accreditation.

5. **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] 6** 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.] **6.** Any hospital receiving designation as a stroke center pursuant to subsection [4] 5 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] 5 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.] **7.** Hospitals designated as a STEMI or stroke center by the department, including those designated pursuant to subsection [4] 5 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 subdivision (2) or (3) of this subsection shall not be required to collect and submit any additional STEMI or stroke center data elements.

[7.] **8.** 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;
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(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 any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma, stroke, or STEMI certification reporting requirements; **and**

(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.] **9.** 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.] **10.** The department of health and senior services may establish appropriate fees to offset the costs of trauma, STEMI, and stroke center reviews.

[10.] **11.** 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.

[11.] **12.** 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.

**190.242. EMERGENCY MEDICAL SERVICES DATA, HOSPITALS NOT REQUIRED TO OBTAIN, WHEN —TRAUMA, STEMI, AND STROKE CENTER REGULATIONS, INTERPRETATION OF, HOSPITALS NOT REQUIRED TO COMPLY WITH, WHEN. — 1. In order to ensure that hospitals can be free from excessive regulation that increases health care costs without increasing patient safety, any rules and regulations promulgated by the department of health and senior services under sections 190.185, 190.241, or 192.006; chapter 197; or any other provision of Missouri law shall not require hospitals, as a condition of designation under section 190.241, to obtain emergency medical services data under section 190.241, unless such data may be obtained from the state database for emergency medical services. The provisions of this subsection shall not be construed to limit in any way the requirements of any person or entity to submit emergency medical services data to any person or entity.**

**2. A hospital shall not be required to comply with an interpretation of a specific provision in any regulation concerning trauma, STEMI, or stroke centers if such hospital can demonstrate that the specific provision in the regulation has been interpreted differently for a similarly-situated hospital. The department may require compliance if the specific provision in the regulation has been subsequently interpreted consistently for similarly-situated hospitals.**

**3. The department shall attend meetings with trauma, STEMI, and stroke centers for the benefit of improved communication, best-practice identification, and facilitation of improvements to the designation process.**

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4. As used in this section, the term "hospital" shall have the same meaning as in section 197.020.

**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. **By January 1, 2019, the department of health and senior services shall, subject to appropriations, expand the newborn screening requirements in section 191.331 to include spinal muscular atrophy (SMA) and Hunter syndrome (MPS II). 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. To help fund initial costs incurred by the state, the department shall apply for available newborn screening grant funding specific to screening for spinal muscular atrophy and Hunter syndrome. The department shall have discretion in accepting the terms of such grants.**

4. 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.

**192.380. NEONATAL CARE DESIGNATIONS, CRITERIA FOR —LEVELS —RULEMAKING AUTHORITY — FACILITY TO REPORT LEVEL TO DEPARTMENT.**— 1. For purposes of this section, the following terms shall mean:

(1) "Birthing facility", any hospital as defined under section 197.020 with more than one licensed obstetric bed or a neonatal intensive care unit, a hospital operated by a state university, or a birthing center licensed under sections 197.200 to 197.240;

(2) "Department", the department of health and senior services.

2. After holding multiple public hearings in diverse geographic regions of the state and seeking broad public and stakeholder input, the department shall establish criteria for levels of maternal care designations and levels of neonatal care designations for birthing facilities. The levels developed under this section shall be based upon:

(1) The most current published version of the "Levels of Neonatal Care" developed by the American Academy of Pediatrics;

(2) The most current published version of the "Levels of Maternal Care" developed by the American Congress of Obstetricians and Gynecologists and the Society for Maternal-Fetal Medicine; and

(3) Necessary variance when considering the geographic and varied needs of citizens of this state.

3. Nothing in this section shall be construed in any way to modify or expand the licensure of any health care professional.

4. Nothing in this section shall be construed in any way to require a patient be transferred to a different facility.

5. The department shall promulgate rules to implement the provisions of this section no later than January 1, 2018. Such rules shall be limited to those necessary for the establishment of levels of neonatal care designations and levels of maternal care designations for birthing facilities under subsection 2 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, 2017, shall be invalid and void.

6. Beginning January 1, 2019, any hospital with a birthing facility shall report to the department its appropriate level of maternal care designation and neonatal care designation as determined by the criteria outlined under subsection 2 of this section.

7. Beginning January 1, 2019, any hospital with a birthing facility operated by a state university shall report to the department its appropriate level of maternal care designation and neonatal care designation as determined by the criteria outlined under subsection 2 of this section.

8. The department may partner with appropriate nationally-recognized professional organizations with demonstrated expertise in maternal and neonatal standards of care to administer the provisions of this section.

9. The criteria for levels of maternal and neonatal care developed under subsection 2 of this section shall not include pregnancy termination or counseling or referral for pregnancy termination.

**192.500. INSPECTION OF CONE BEAM COMPUTED TECHNOLOGY SYSTEMS AND PANORAMIC X-RAY SYSTEMS, WHEN.** — 1. For purposes of this section, the following terms shall mean:

(1) "Cone beam computed tomography system", a medical imaging device using x-ray computed tomography to capture data using a cone-shaped x-ray beam;

(2) "Panoramic x-ray system", an imaging device that captures the entire mouth in a single, two-dimensional image including the teeth, upper and lower jaws, and surrounding structures and tissues.

2. Cone beam computed tomography systems and panoramic x-ray systems that cannot produce radiation intensity greater than thirty milligrays shall not be required to be inspected more frequently than every three years.

3. Cone beam computed tomography systems that can produce radiation intensity of greater than thirty milligrays shall be inspected annually.

4. In addition to the requirements of subsections 2 and 3 of this section, all cone beam computed tomography systems and panoramic x-ray systems shall be inspected within thirty days of installation and whenever moved within an office.

5. Notwithstanding any law to the contrary, inspections of conventional x-ray equipment used exclusively on animals by a licensed veterinarian or veterinary facility under chapter 340 shall not be required to be inspected more frequently than every four years.

**194.600. REGISTRY ESTABLISHED — DEFINITIONS — SUBMISSION OF DOCUMENTS BY ADULT DECLARANT — CONFIDENTIALITY — THIRD-PARTY TO OPERATE REGISTRY — RULEMAKING AUTHORITY.** — 1. As used in this section, the following terms mean:

(1) "Adult", an individual who is eighteen years of age or older;

(2) "Advance health care directive", a power of attorney for health care or a declaration signed or authorized by an adult, containing the person's direction concerning a health care decision;

(3) "Declaration", a record, including but not limited to a living will or a do-not-resuscitate order, signed by an adult specifying the circumstances under which a life support system may be withheld or withdrawn;

(4) "Department", the department of health and senior services;

(5) "Health care decision", any decision regarding the health care of the person;

(6) "Intake point", any licensed health care provider or licensed attorney.

2. The department shall issue a request for proposal and contract with a third party for the establishment of a secure online central registry for individuals to be known as the "Advance Health Care Directives Registry" to store advance health care directives and to give authorized health care providers access to such directives.

3. An adult declarant may submit an advance health care directive or declaration and the revocations of such documents to the registry established under subsection 2 of this section.

4. Any document and any revocation of a document submitted for filing in the registry shall be submitted electronically at an intake point and signed electronically with a unique identifier, such as a social security number, a driver's license number, or another unique government-issued identifier. The electronic submission of the document shall be accompanied by a fee not to exceed ten dollars.

5. All data and information contained in the registry shall remain confidential and shall be exempt from the provisions of chapter 610.

6. The third party awarded a contract pursuant to subsection 2 of this section shall be solely responsible for all issues applicable to the registry, including, but not limited to, the development and operation of the registry; educating the general public, licensed health care providers, and legal professionals about the registry; responding to questions; providing technical assistance to users; and collection of user fees not to exceed ten dollars.

7. The department may promulgate rules to carry out the provisions of this section which may include, but not be limited to:

(1) A determination of who may access the registry, including physicians, other licensed health care providers, the declarant, and his or her legal representatives or designees; and

(2) A means for the contracting third party to annually remind registry users of which documents they have registered.

8. 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, 2017, shall be invalid and void.

9. Failure to register a document with the registry maintained under this section shall not affect the document's validity. Failure to notify the registry of the revocation of a document previously filed with the registry shall not affect the validity of a revocation that meets the statutory requirements for such revocation to be valid.

**197.005. MEDICARE CONDITIONS OF PARTICIPATION COMPLIANCE, DEEMED COMPLIANCE WITH HOSPITAL LICENSURE STANDARDS.** — 1. As used in this section, the term "Medicare conditions of participation" shall mean federal regulatory standards established under Title XVIII of the Social Security Act and defined in 42 CFR 482, as amended, for hospitals and 42 CFR 485, as amended, for hospitals designated as critical access hospitals under 42 U.S.C. Section 1395i-4.

2. To minimize the administrative cost of enforcing and complying with duplicative regulatory standards, on and after July 1, 2018, compliance with Medicare conditions of participation shall be deemed to constitute compliance with the standards for hospital licensure under sections 197.010 to 197.120 and regulations promulgated thereunder.

3. Nothing in this section shall preclude the department of health and senior services from promulgating regulations effective on or after July 1, 2018, to define separate regulatory standards that do not duplicate or contradict the Medicare conditions of participation, with specific state statutory authorization to create separate regulatory standards.

4. Regulations promulgated by the department of health and senior services to establish and enforce hospital licensure regulations under this chapter that duplicate or conflict with the Medicare conditions of participation shall lapse and expire on and after July 1, 2018.

**197.040. BEGINNING JULY 1, 2018, LICENSE FOR HOSPITAL REQUIRED. UNTIL JUNE 30, 2018, LICENSE FOR HOSPITAL REQUIRED.** — After ninety days from the date this law becomes effective, no person or governmental unit, acting severally or jointly with any other person or governmental unit, shall establish, conduct or maintain a hospital in this state without a license under this law and section 197.005 issued by the department of health and senior services.

**197.050. BEGINNING JULY 1, 2018, APPLICATION FOR LICENSE, CONTENTS — FEE. UNTIL JUNE 30, 2018, APPLICATION FOR LICENSE, CONTENTS — FEE.** — Application for a license shall be made to the department of health and senior services upon forms provided by it and shall contain such information as the department of health and senior services requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder in compliance with section 197.005. Until June 30, 1989, each application for a license, except applications from governmental units, shall be accompanied by an annual license fee of two hundred dollars plus two dollars per bed for the first one hundred beds and one dollar per bed for each additional bed. Beginning July 1, 1989, each application for a license, except applications from governmental units, shall be accompanied by an annual license fee of two hundred fifty dollars plus three dollars per bed for the first four hundred beds and two dollars per bed for each additional bed. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.

**197.070. BEGINNING JULY 1, 2018, DENIAL, SUSPENSION OR REVOCATION OF LICENSE. UNTIL JUNE 30, 2018, DENIAL, SUSPENSION OR REVOCATION OF LICENSE.** — The department of health and senior services may deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this law and section 197.005.

**197.071. BEGINNING JULY 1, 2018, REVIEW BY ADMINISTRATIVE HEARING COMMISSION. UNTIL JUNE 30, 2018, REVIEW BY ADMINISTRATIVE HEARING COMMISSION.** — Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person under the provisions of sections [197.010] 197.005 to 197.120, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and 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 of health and senior services.

**197.080. BEGINNING JULY 1, 2018, RULES, PROCEDURE — REGULATIONS AND STANDARDS — REVIEW AND REVISION OF REGULATIONS — RULEMAKING AUTHORITY. UNTIL JUNE 30, 2018, RULES, PROCEDURE — REGULATIONS AND STANDARDS — REVIEW AND REVISION OF REGULATIONS — RULEMAKING AUTHORITY.** — 1. The department of health and senior services, with the advice of the state advisory council and pursuant to the provisions of this section, **section 197.005**, and chapter 536, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare. No rule or portion of a rule promulgated under the authority of sections 197.010 to 197.280 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

2. The department shall review and revise regulations governing hospital licensure and enforcement to promote hospital and regulatory efficiencies [and]. **The department shall eliminate all** duplicative regulations and inspections by or on behalf of state agencies and the Centers for Medicare and Medicaid Services (CMS). The hospital licensure regulations adopted under this [section] **chapter** shall incorporate standards which shall include, but not be limited to, the following:

(1) Each citation or finding of a regulatory deficiency shall refer to the specific written regulation, any state associated written interpretive guidance developed by the department and any publicly available, professionally recognized standards of care that are the basis of the citation or finding;

(2) Subject to appropriations, the department shall ensure that its hospital licensure regulatory standards are consistent with and do not contradict the CMS Conditions of Participation (COP) and associated interpretive guidance. However, this shall not preclude the department from enforcing standards produced by the department which exceed the federal CMS' COP and associated interpretive guidance, so long as such standards produced by the department promote a higher degree of patient safety and do not contradict the federal CMS' COP and associated interpretive guidance;

(3) The department shall establish and publish guidelines for complaint investigation, including but not limited to:

(a) The department's process for reviewing and determining which complaints warrant an on-site investigation based on a preliminary review of available information from the complainant, other appropriate sources, and when not prohibited by CMS, the hospital. For purposes of providing hospitals with information necessary to improve processes and patient care, the number and nature of complaints filed and the recommended actions by the department and, as appropriate CMS, shall be disclosed upon request to hospitals so long as the otherwise confidential identity of the complainant or the patient for whom the complaint was filed is not disclosed;

(b) A departmental investigation of a complaint shall be focused on the specific regulatory standard and departmental written interpretive guidance and publicly available professionally recognized standard of care related to the complaint. During the course of any complaint investigation, the department shall cite any serious and immediate threat discovered that may potentially jeopardize the health and safety of patients;

(c) A hospital shall be provided with a report of all complaints made against the hospital. Such report shall include the nature of the complaint, the date of the complaint, the department conclusions regarding the complaint, the number of investigators and days of investigation resulting from each complaint;

(4) Hospitals and hospital personnel shall have the opportunity to participate in annual continuing training sessions when such training is provided to state licensure surveyors with prior approval from the department director and CMS when appropriate. Hospitals and hospital personnel shall assume all costs associated with facilitating the training sessions and use of

curriculum materials, including but not limited to the location for training, food, and printing costs;

(5) Time lines for the department to provide responses to hospitals regarding the status and outcome of pending investigations and regulatory actions and questions about interpretations of regulations shall be identical to, to the extent practicable, the time lines established for the federal hospital certification and enforcement system in the CMS State Operations Manual, as amended. These time lines shall be the guide for the department to follow. Every reasonable attempt shall be made to meet the time lines. However, failure to meet the established time lines shall in no way prevent the department from performing any necessary inspections to ensure the health and safety of patients.

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 August 28, 2013, shall be invalid and void.

**197.100. BEGINNING JULY 1, 2018, INSPECTIONS BY DEPARTMENT OF HEALTH AND SENIOR SERVICES REQUIRED, REPORTS FROM CERTAIN OTHER AGENCIES ACCEPTED, WHEN — DEPARTMENT TO DETERMINE LIFE, SAFETY, AND BUILDING CODES. UNTIL JUNE 30, 2018, INSPECTIONS BY DEPARTMENT OF HEALTH AND SENIOR SERVICES REQUIRED, REPORTS FROM CERTAIN OTHER AGENCIES ACCEPTED, WHEN — DEPARTMENT TO DETERMINE LIFE, SAFETY, AND BUILDING CODES.** — 1. Any provision of chapter 198 and chapter 338 to the contrary notwithstanding, the department of health and senior services shall have sole authority, and responsibility for inspection and licensure of hospitals in this state including, but not limited to, all parts, services, functions, support functions and activities which contribute directly or indirectly to patient care of any kind whatsoever. The department of health and senior services shall annually inspect each licensed hospital and shall make any other inspections and investigations as it deems necessary for good cause shown. The department of health and senior services shall accept reports of hospital inspections from **or on behalf of** governmental agencies, the joint commission, and the American Osteopathic Association Healthcare Facilities Accreditation Program, provided the accreditation inspection was conducted within one year of the date of license renewal. Prior to granting acceptance of any other accrediting organization reports in lieu of the required licensure survey, the accrediting organization's survey process must be deemed appropriate and found to be comparable to the department's licensure survey. It shall be the accrediting organization's responsibility to provide the department any and all information necessary to determine if the accrediting organization's survey process is comparable and fully meets the intent of the licensure regulations. The department of health and senior services shall attempt to schedule inspections and evaluations required by this section so as not to cause a hospital to be subject to more than one inspection in any twelve-month period from the department of health and senior services or any agency or accreditation organization the reports of which are accepted for licensure purposes pursuant to this section, except for good cause shown.

2. Other provisions of law to the contrary notwithstanding, the department of health and senior services shall be the only state agency to determine life safety and building codes for hospitals defined or licensed pursuant to the provisions of this chapter, including but not limited to sprinkler systems, smoke detection devices and other fire safety-related matters so long as any new standards shall apply only to new construction.

**332.081. ORAL HEALTH PROVIDERS, HOSPITALS MAY EMPLOY — UNLICENSED OR UNREGISTERED PRACTICE PROHIBITED — CORPORATION, REQUIREMENTS, EXCEPTIONS —**

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APPLICATION FOR PERMIT TO EMPLOY DENTISTS AND DENTAL HYGIENISTS—RULEMAKING AUTHORITY. — 1. **Notwithstanding any other provision of law to the contrary, hospitals licensed under chapter 197 shall be authorized to employ any or all of the following oral health providers:**

(1) **A dentist licensed under this chapter for the purpose of treating on hospital premises those patients who present with a dental condition and such treatment is necessary to ameliorate the condition for which they presented such as severe pain or tooth abscesses;**

(2) **An oral and maxillofacial surgeon licensed under this chapter for the purpose of treating oral conditions that need to be ameliorated as part of treating the underlying cause of the patient's medical needs including, but not limited to, head and neck cancer, HIV or AIDS, severe trauma resulting in admission to the hospital, organ transplant, diabetes, or seizure disorders. It shall be a condition of treatment that such patients are admitted to the hospital on either an in- or out-patient basis; and**

(3) **A maxillofacial prosthodontist licensed under this chapter for the purpose of treating and supporting patients of a head and neck cancer team or other complex care or surgical team for the fabrication of appliances following ablative surgery, surgery to correct birth anomalies, extensive radiation treatment of the head or neck, or trauma-related surgery.**

2. No person or other entity shall practice dentistry in Missouri or provide dental services as defined in section 332.071 unless and until the board has issued to the person a certificate certifying that the person has been duly registered as a dentist in Missouri or to an entity that has been duly registered to provide dental services by licensed dentists and dental hygienists and unless and until the board has issued to the person a license, to be renewed each period, as provided in this chapter, to practice dentistry or as a dental hygienist, or has issued to the person or entity a permit, to be renewed each period, to provide dental services in Missouri. Nothing in this chapter shall be so construed as to make it unlawful for:

(1) A legally qualified physician or surgeon, who does not practice dentistry as a specialty, from extracting teeth;

(2) A dentist licensed in a state other than Missouri from making a clinical demonstration before a meeting of dentists in Missouri;

(3) Dental students in any accredited dental school to practice dentistry under the personal direction of instructors;

(4) Dental hygiene students in any accredited dental hygiene school to practice dental hygiene under the personal direction of instructors;

(5) A duly registered and licensed dental hygienist in Missouri to practice dental hygiene as defined in section 332.091;

(6) A dental assistant, certified dental assistant, or expanded functions dental assistant to be delegated duties as defined in section 332.093;

(7) A duly registered dentist or dental hygienist to teach in an accredited dental or dental hygiene school;

(8) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic in connection with dental services or dental surgery; or

(9) A person to practice dentistry in or for:

(a) The United States Armed Forces;

(b) The United States Public Health Service;

(c) Migrant, community, or health care for the homeless health centers provided in Section 330 of the Public Health Service Act (42 U.S.C. 254(b));

(d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l)) of the Social Security Act;

(e) Governmental entities, including county health departments; or

(f) The United States Veterans Bureau; or

(10) A dentist licensed in a state other than Missouri to evaluate a patient or render an oral, written, or otherwise documented dental opinion when providing testimony or records for the purpose of a civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state.

[2.] **3.** No corporation shall practice dentistry as defined in section 332.071 unless that corporation is organized under the provisions of chapter 355 or 356 provided that a corporation organized under the provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3) may only employ dentists and dental hygienists licensed in this state to render dental services to Medicaid recipients, low-income individuals who have available income below two hundred percent of the federal poverty level, and all participants in the SCHIP program, unless such limitation is contrary to or inconsistent with federal or state law or regulation. This subsection shall not apply to:

(1) A hospital licensed under chapter 197 that provides care and treatment only to children under the age of eighteen at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(2) A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396(d)(l)), or a migrant, community, or health care for the homeless health center provided for in Section 330 of the Public Health Services Act (42 U.S.C. 254(b)) at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(3) A city or county health department organized under chapter 192 or chapter 205 at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(4) A social welfare board organized under section 205.770, a city health department operating under a city charter, or a city-county health department at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(5) Any entity that has received a permit from the dental board and does not receive compensation from the patient or from any third party on the patient's behalf at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as amended, that engages in its operations and provides dental services at facilities owned by a city, county, or other political subdivision of the state at which a person regulated under this chapter provides dental care within the scope of his or her license or registration. If any of the entities exempted from the requirements of this subsection are unable to provide services to a patient due to the lack of a qualified provider and a referral to another entity is made, the exemption shall extend to the person or entity that subsequently provides services to the patient.

[3.] **4.** No unincorporated organization shall practice dentistry as defined in section 332.071 unless such organization is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and provides dental treatment without compensation from the patient or any third party on their behalf as a part of a broader program of social services including food distribution. Nothing in this chapter shall prohibit organizations under this subsection from employing any person regulated by this chapter.

[4.] **5.** A dentist shall not enter into a contract that allows a person who is not a dentist to influence or interfere with the exercise of the dentist's independent professional judgment.

[5.] **6.** A not-for-profit corporation organized under the provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), an unincorporated organization operating pursuant to subsection [3] **4** of this section, or any other person should not direct or interfere or attempt to direct or interfere with a licensed dentist's professional judgment and competent practice of dentistry. Nothing in this subsection shall be so construed as to make it



unlawful for not-for-profit organizations to enforce employment contracts, corporate policy and procedure manuals, or quality improvement or assurance requirements.

[6.] 7. All entities defined in subsection [2] 3 of this section and those exempted under subsection [3] 4 of this section shall apply for a permit to employ dentists and dental hygienists licensed in this state to render dental services, and the entity shall apply for the permit in writing on forms provided by the Missouri dental board. The board shall not charge a fee of any kind for the issuance or renewal of such permit. The provisions of this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)).

[7.] 8. Any entity that obtains a permit to render dental services in this state is subject to discipline pursuant to section 332.321. If the board concludes that the person or entity has committed an act or is engaging in a course of conduct that would be grounds for disciplinary action, the board may file a complaint before the administrative hearing commission. The board may refuse to issue or renew the permit of any entity for one or any combination of causes stated in subsection 2 of section 332.321. The board 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.

[8.] 9. A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)) shall register with the board. The information provided to the board as part of the registration shall include the name of the health center, the nonprofit status of the health center, sites where dental services will be provided, and the names of all persons employed by, or contracting with, the health center who are required to hold a license pursuant to this chapter. The registration shall be renewed every twenty-four months. The board shall not charge a fee of any kind for the issuance or renewal of the registration. The registration of the health center shall not be subject to discipline pursuant to section 332.321. Nothing in this subsection shall prohibit disciplinary action against a licensee of this chapter who is employed by, or contracts with, such health center for the actions of the licensee in connection with such employment or contract. All licensed persons employed by, or contracting with, the health center shall certify in writing to the board at the time of issuance and renewal of the registration that the facility of the health center meets the same operating standards regarding cleanliness, sanitation, and professionalism as would the facility of a dentist licensed by this chapter. The board shall promulgate rules regarding such standards.

[9.] 10. The board may promulgate rules and regulations to ensure not-for-profit corporations are rendering care to the patient populations as set forth herein, including requirements for covered not-for-profit corporations to report patient census data to the board. The provisions of this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)).

[10.] 11. All not-for-profit corporations organized or operated pursuant to the provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the requirements relating to migrant, community, or health care for the homeless health centers provided in Section 330 of the Public Health Service Act (42 U.S.C. 254(b)) and federally qualified health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l)) of the Social Security Act, that employ persons who practice dentistry or dental hygiene in this state shall do so in accordance with the relevant laws of this state except to the extent that such laws are contrary to, or inconsistent with, federal statute or regulation.

**334.036. ASSISTANT PHYSICIANS — DEFINITIONS — LIMITATION ON PRACTICE — LICENSURE, RULEMAKING AUTHORITY — COLLABORATIVE PRACTICE ARRANGEMENTS. —**

1. For purposes of this section, the following terms shall mean:

- (1) "Assistant physician", any medical school graduate who:
  - (a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination or the equivalent of such steps of any other board-approved medical licensing examination within the two-year period immediately preceding application for licensure as an assistant physician, but in no event more than three years after graduation from a medical college or osteopathic medical college;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding two-year period unless when such two-year anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language[;].

**Any medical school graduate who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;**

(2) "Assistant physician collaborative practice arrangement", an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037;

(3) "Medical school graduate", any person who has graduated from a medical college or osteopathic medical college described in section 334.031.

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state or in any pilot project areas established in which assistant physicians may practice.

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. To be eligible to practice as an assistant physician, a licensed assistant physician shall enter into an assistant physician collaborative practice arrangement within six months of his or her initial licensure and shall not have more than a six-month time period between collaborative practice arrangements during his or her licensure period. Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

**345.051. RENEWAL OF LICENSE OR REGISTRATION, WHEN — FORM, CONTENT — MAILING OF FORM, AUTHORIZED — FAILURE TO MAIL OR TO RECEIVE FORM, EFFECT ON LICENSURE OR REGISTRATION.** — 1. Every person licensed or registered pursuant to the provisions of sections 345.010 to 345.080 shall renew the license or registration on or before the renewal date. Such renewal date shall be determined by the board, **but shall be no less than three years**. The application shall be made on a form furnished by the board. The application shall include, but not be limited to, disclosure of the applicant's full name and the applicant's office and residence addresses and the date and number of the applicant's license or registration, all final disciplinary actions taken against the applicant by any speech-language-hearing association or society, state, territory or federal agency or country and information concerning the applicant's current physical and mental fitness to practice.

2. A blank form for application for license or registration renewal shall be mailed to each person licensed or registered in this state at the person's last known office or residence address. The failure to mail the form of application or the failure to receive it does not, however, relieve any person of the duty to renew the license or registration and pay the fee required by sections 345.010 to 345.080 for failure to renew the license or registration.

3. An applicant for renewal of a license or registration under this section shall:

(1) Submit an amount established by the board; and

(2) Meet any other requirements the board establishes as conditions for license or registration renewal, including the demonstration of continued competence to practice the profession for which the license or registration is issued. A requirement of continued competence may include, but is not limited to, **up to thirty hours triennially** of continuing education, examination, self-evaluation, peer review, performance appraisal or practical simulation.

4. If a license or registration is suspended pursuant to section 345.065, the license or registration expires on the expiration date as established by the board for all licenses and registrations issued pursuant to sections 345.010 to 345.080. Such license or registration may be renewed but does not entitle the licensee to engage in the licensed or registered activity or in any other conduct or activity which violates the order of judgment by which the license or registration was suspended until such license or registration has been reinstated.

5. If a license or registration is revoked on disciplinary grounds pursuant to section 345.065, the license or registration expires on the expiration date as established by the board for all licenses and registrations issued pursuant to sections 345.010 to 345.080. Such license or registration may not be renewed. If a license or registration is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee that is equal to the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement plus any late fee established by the board.

**SECTION B. EFFECTIVE DATE.** — The enactment of section 197.005 and the repeal and reenactment of sections 197.040, 197.050, 197.070, 197.071, 197.080, and 197.100 of this act shall become effective on July 1, 2018.

Approved July 10, 2017

## SB 52 [SCS SB 52]

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

**Creates several provisions relating to suicide awareness and prevention**

AN ACT to amend chapters 9, 173, and 191, RSMo, by adding thereto four new sections relating to suicide awareness and prevention, with an emergency clause for certain sections.

## SECTION

- A. Enacting clause.
- 9.154. Show-Me Compassionate Medical Education Day designated.
- 173.1200. Policy to advise students and staff on available suicide prevention programs — posting on website — anonymous reporting.
- 191.594. Citation of law — prevalence of depression and suicide — prohibited acts — definitions.
- 191.596. Research project authorized — committee established, members, duties — center study, contents — annual report.
- B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.** — Chapters 9, 173, and 191, RSMo is amended by adding thereto four new sections, to be known as sections 9.154, 173.1200, 191.594, and 191.596, to read as follows:

**9.154. SHOW-ME COMPASSIONATE MEDICAL EDUCATION DAY DESIGNATED.** — **1. August 28, 2017, and thereafter the date designated by the show-me compassionate medical education research project committee established in section 191.596, shall be designated as "Show-Me Compassionate Medical Education Day" in Missouri. The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness regarding medical education, medical student well-being, and measures that have been shown to be effective, are currently being evaluated for effectiveness, and are being proposed for effectiveness in positively impacting medical student well-being and education.**

**2. The director of the department of mental health shall notify the revisor of statutes of the date selected by the show-me compassionate medical education research project committee for the show-me compassionate medical education day.**

**173.1200. POLICY TO ADVISE STUDENTS AND STAFF ON AVAILABLE SUICIDE PREVENTION PROGRAMS — POSTING ON WEBSITE — ANONYMOUS REPORTING.** — **1. Each public institution of higher education shall develop and implement a policy to advise students and staff on suicide prevention programs available on and off campus that includes, but is not limited to:**

- (1) Crisis intervention access, which includes information for national, state, and local suicide prevention hotlines;**
- (2) Mental health program access, which provides information on the availability of local mental health clinics, student health services, and counseling services;**
- (3) Multimedia application access, which includes crisis hotline contact information, suicide warning signs, resources offered, and free-of-cost applications;**
- (4) Student communication plans, which consist of creating outreach plans regarding educational and outreach activities on suicide prevention; and**
- (5) Post intervention plans, which include creating a strategic plan to communicate effectively with students, staff, and parents after the loss of a student to suicide.**

2. Such policy shall also advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior, and shall provide for training, where appropriate.

3. Each public institution of higher education shall provide all incoming students with information about depression and suicide prevention resources available to students. The information provided to students shall include available mental health services and other support services, including student-run organizations for individuals at risk of or affected by suicide.

4. The information prescribed by subdivisions (1) through (4) of subsection 1 of this section shall be posted on the website of each institution of higher education in this state.

5. Any applicable free-of-cost prevention materials or programs shall be posted on the websites of the public institutions of higher education and the department of higher education.

6. (1) Each public institution of higher education shall establish and maintain methods of anonymous reporting concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of such activities.

(2) Such methods shall ensure that the identity of the reporting party remains unknown to all persons and entities, including law enforcement officers and employees or other persons, except when criminal, civil, or administrative action is initiated regarding unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of such activities.

**191.594. CITATION OF LAW — PREVALENCE OF DEPRESSION AND SUICIDE — PROHIBITED ACTS — DEFINITIONS. — 1. Sections 191.594 to 191.596 shall be known and may be cited as the "Show-Me Compassionate Medical Education Act".**

2. No medical school in this state shall prohibit, discourage, or otherwise restrict a medical student organization or medical organization from undertaking or conducting a study of the prevalence of depression and suicide or other mental health issues among medical students. No medical school in this state shall penalize, discipline, or otherwise take any adverse action against a student or a medical student organization in connection with such student's or medical student organization's participation in, planning, or conducting a study of the prevalence of depression and suicide or other mental health issues among medical students.

3. For purposes of this section, the following terms shall mean:

(1) "Medical organization" includes, but is not limited to, organizations such as the Missouri State Medical Association and the Missouri Association of Osteopathic Physicians and Surgeons;

(2) "Medical school", any allopathic or osteopathic school of medicine in this state;

(3) "Medical student organization" includes, but is not limited to, organizations such as the American Medical Student Association, the Student Osteopathic Medical Association, and any medical student section of a medical organization.

**191.596. RESEARCH PROJECT AUTHORIZED — COMMITTEE ESTABLISHED, MEMBERS, DUTIES — CENTER STUDY, CONTENTS — ANNUAL REPORT. — 1. Medical schools in this state may, in collaboration with the show-me compassionate medical education research project committee, conduct a single center or multicenter study or studies, which, if conducted, shall be known as the "Show-Me Compassionate Medical Education Research Project", in order to facilitate the collection of data and implement practices and protocols to minimize stress and reduce the risk of depression and suicide for medical students in this state.**

2. There is hereby established the "Show-Me Compassionate Medical Education Research Project Committee", which shall consist of representatives from each of the medical schools in this state and the director of the department of mental health, or the director's designee. The committee shall:

(1) Conduct an initial meeting on August 28, 2017, to organize, and meet as necessary thereafter to implement any research project conducted; and

(2) Set the date for the show-me compassionate medical education day designated under section 9.154. The date selected shall be for 2018 and every year thereafter.

3. Any single center or multicenter study undertaken by the committee or its member schools may include, but need not be limited to, the following:

(1) Development of study protocols designed to identify the root causes that contribute to the risk of depression and suicide for medical students;

(2) Examination of the culture and academic program of medical schools that may contribute to the risk of depression and suicide for medical students;

(3) Collection of any relevant additional data including, but not limited to, consultation and collaboration with mental health professionals and mental health resources in the communities where medical schools are located;

(4) Collaboration between the medical schools in this state in order to share information and to identify and make recommendations under subdivision (5) of this subsection; and

(5) Based on the data and findings under subdivisions (1) to (3) of this subsection:

(a) Identification of the best practices to be implemented at each medical school designed to address the root causes and changes in medical school culture in order to minimize stress and reduce the risk of depression and suicide for medical students;

(b) Recommendation of any statutory or regulatory changes regarding licensure of medical professionals and recommendation of any changes to common practices associated with medical training or medical practice that the committee believes will accomplish the goals set out in this section.

4. The committee shall prepare an annual report that shall include any information under subdivision (5) of subsection 3 of this section and any measures reported by any medical school as a result of the findings under this section. The report shall be made available annually on each medical school's website and to the Missouri general assembly.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to ensure the well-being of medical students in this state, the enactment of sections 9.154, 191.594, and 191.596 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 sections 9.154, 191.594, and 191.596 of section A of this act shall be in full force and effect upon its passage and approval.

Approved July 7, 2017

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SB 62 [CCS HCS SS SB 62]

**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 regarding various pension systems and forfeiture of a pension benefit due to a felony conviction**

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AN ACT to repeal sections 52.290, 86.207, 104.1091, 104.1205, 105.669, 137.280, 137.345, 140.100, 169.141, 169.324, 169.460, 169.490, 169.560, and 169.715, RSMo, and to enact in lieu thereof fifteen new sections relating to public employee retirement, with penalty provisions and delayed effective dates for certain sections.

## SECTION

- A. Enacting clause.
- 52.290. Collection of back taxes, certain counties — fee deposited in county general revenue fund and retirement fund — collection of back taxes, certain political subdivisions, fee. Collection of back taxes, certain counties — fee deposited in county general revenue fund and retirement fund — collection of back taxes, certain political subdivisions, fee.
- 86.207. Members of system — transfer of creditable service permitted, when — reserve officer not a member.
- 104.1091. New employees, normal retirement eligibility — vesting requirements — temporary annuity, when — early retirement annuity, when — minimum credited service requirements — contribution amount — options — conditions for retirement after January 1, 2018, for certain employees.
- 104.1092. Deferred annuity, one-time election, when — forfeiture of creditable service — ineligibility for long-term disability benefits.
- 104.1205. Duties of board. Duties of board.
- 105.669. Felony conviction, ineligible for benefits, when — employer to notify of offenses, when — list of offenses.
- 137.280. Failure to deliver list, penalty, exceptions, second notice by assessor required before penalty to apply — assessor to transmit log to fund, when. Failure to deliver list, penalty, exceptions, second notice by assessor required before penalty to apply.
- 137.345. Failure to deliver list, penalty, exceptions — second notice to be given by assessor before penalty to apply — successful appeal by taxpayer, increases to use appeal basis. Failure to deliver list, penalty, exceptions — second notice to be given by assessor before penalty to apply — successful appeal by taxpayer, increases to use appeal basis (counties first class).
- 140.100. Penalty against delinquent lands. Penalty against delinquent lands.
- 169.141. Successor beneficiary may be nominated by person receiving reduced allowance, when, procedure — allowance increase, when.
- 169.324. Retirement allowances, amounts — retirants may substitute without affecting allowance, limitation — annual determination of ability to provide benefits, standards — action plan for use of minority and women money managers, brokers and investment counselors.
- 169.460. Retirement, when — pensions, how computed — early retirement, when, pensions, how computed — disability retirement, when, pensions, how computed — death before retirement, effect of — beneficiary defined, benefits, how computed — retirants may become active, how — minimum benefits, when.
- 169.490. Assets of system to be held as one fund — contribution, rate, how collected — employer's contribution rate to be calculated annually.
- 169.560. Retirees may be employed for limited time — salary amount, effect on benefits.
- 169.715. Successor beneficiary may be nominated by person receiving reduced allowance, when, procedure — increase permitted, when.
- B. Effective date.
- C. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 52.290, 86.207, 104.1091, 104.1205, 105.669, 137.280, 137.345, 140.100, 169.141, 169.324, 169.460, 169.490, 169.560, and 169.715, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 52.290, 86.207, 104.1091, 104.1092, 104.1205, 105.669, 137.280, 137.345, 140.100, 169.141, 169.324, 169.460, 169.490, 169.560, and 169.715, to read as follows:

**52.290. COLLECTION OF BACK TAXES, CERTAIN COUNTIES — FEE DEPOSITED IN COUNTY GENERAL REVENUE FUND AND RETIREMENT FUND — COLLECTION OF BACK TAXES, CERTAIN POLITICAL SUBDIVISIONS, FEE. COLLECTION OF BACK TAXES, CERTAIN COUNTIES — FEE DEPOSITED IN COUNTY GENERAL REVENUE FUND AND RETIREMENT FUND — COLLECTION OF BACK TAXES, CERTAIN POLITICAL SUBDIVISIONS, FEE.** — 1. In all counties except counties having a charter form of government before January 1, 2008, and any city not within a county, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of [seven] **nine** percent on all sums collected to be added to the face

of the tax bill and collected from the party paying the tax. [Two-sevenths] **Of the nine percent** of the fees collected pursuant to the provisions of this section, **two-ninths** shall be paid into the county general fund, [two-sevenths of the fees collected pursuant to the provisions of this section] **two-ninths** shall be paid into the tax maintenance fund of the county as required by section 52.312, and [three-sevenths of the fees collected pursuant to the provisions of this section] **five-ninths** shall be paid into the county employees' retirement fund created by sections 50.1000 to 50.1200. Notwithstanding provisions of law to the contrary, an authorization for collection of a fee for the collection of delinquent and back taxes in a county's charter, at a rate different than the rate allowed by law, shall control.

2. In all counties having a charter form of government, other than any county adopting a charter form of government after January 1, 2008, and any city not within a county, the collector shall collect on behalf of the county and pay into the county general fund a fee for the collection of delinquent and back taxes of two percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax except that in a county with a charter form of government and with more than two hundred fifty thousand but less than seven hundred thousand inhabitants, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of three percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. If a county is required by section 52.312 to establish a tax maintenance fund, one-third of the fees collected under this subsection shall be paid into that fund; otherwise, all fees collected under the provisions of this subsection shall be paid into the county general fund.

3. Such county collector may accept credit cards as proper form of payment of outstanding delinquent and back taxes due. No county collector may charge a surcharge for payment by credit card.

**86.207. MEMBERS OF SYSTEM — TRANSFER OF CREDITABLE SERVICE PERMITTED, WHEN — RESERVE OFFICER NOT A MEMBER.** — 1. Except as provided herein, all persons who become policemen and all policemen who enter or reenter the service of any city not within a county after the first day of October, 1957, become members **of the system** as a condition of their employment and **during the period of their membership** shall receive no pensions or retirement allowance from any other pension or retirement system supported wholly or in part by the city not within a county or the state of Missouri, nor shall they be required to make contributions under any other pension or retirement system of the city not within a county or the state of Missouri for the same period of service[, anything to the contrary notwithstanding. Any employee of a city not within a county who is earning creditable service in a retirement plan established by said city under section 95.540 and subsequently becomes a policeman may elect to remain a member of said retirement plan and shall not be required to become a member of a police retirement system established under section 86.200. However,]. **Officers employed by a city not within a county and occupying the position of "Airport Police Officer" shall not be required to become members as a condition of their employment.** An employee of a city not within a county who is earning creditable service in a retirement plan established by said city under section 95.540 and who subsequently becomes a policeman may elect to transfer [membership and] creditable service to the police retirement system created under [section] **sections 86.200 to 86.366.** Such transfers are subject to the conditions and requirements contained in section 105.691 and are also subject to any existing agreements between the said retirement plans; provided however, transfers completed prior to January 1, 2016, shall occur without regard to the vesting requirements of the receiving plan contained in section 105.691]. As part of the transfer process described herein, the respective retirement plans may require the employee to acknowledge and agree as a condition of transfer that any election made under this section is irrevocable, constitutes a waiver of any right to receive retirement and disability benefits except as provided by the police retirement system, and that plan terms may be modified in the future.



2. If any member ceases to be in service for more than one year unless the member has attained the age of fifty-five or has twenty years or more of creditable service, or if the member withdraws the member's accumulated contributions or if the member receives benefits under the retirement system or dies, the member thereupon ceases to be a member; except in the case of a member who has served in the Armed Forces of the United States and has subsequently been reinstated as a policeman. A member who has terminated employment as a police officer, has actually retired and is receiving retirement benefits under the system shall be considered a retired member.

3. A reserve officer shall not be considered a member of the system for the purpose of determining creditable service, nor shall any contributions be due. A reserve officer shall not be entitled to any benefits from the system other than those awarded when the reserve officer originally retired under section 86.250, nor shall service as a reserve officer prohibit distribution of those benefits.

**104.1091. NEW EMPLOYEES, NORMAL RETIREMENT ELIGIBILITY — VESTING REQUIREMENTS — TEMPORARY ANNUITY, WHEN — EARLY RETIREMENT ANNUITY, WHEN — MINIMUM CREDITED SERVICE REQUIREMENTS — CONTRIBUTION AMOUNT — OPTIONS — CONDITINS FOR RETIREMENT AFTER JANUARY 1, 2018, FOR CERTAIN EMPLOYEES. — 1.** Notwithstanding any provision of the year 2000 plan to the contrary, each person who first becomes an employee on or after January 1, 2011, shall be a member of the year 2000 plan subject to the provisions of this section.

2. A member's normal retirement eligibility shall be as follows:

(1) The member's attainment of at least age sixty-seven and the completion of at least ten years of credited service; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or, in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, such member's attainment of at least age sixty or the attainment of at least age fifty-five with ten years of credited service;

(2) For members of the general assembly, the member's attainment of at least age sixty-two and the completion of at least three full biennial assemblies; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety;

(3) For statewide elected officials, the official's attainment of at least age sixty-two and the completion of at least four years of credited service; or the official's attainment of at least age fifty-five with the sum of the official's age and credited service equaling at least ninety.

3. A vested former member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least ten years of credited service.

4. A temporary annuity paid pursuant to subsection 4 of section 104.1024 shall be payable if the member has attained at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, the temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-five with ten years of credited service.

5. A member, other than a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an early retirement annuity upon the attainment of at least age sixty-two and the completion of at least ten years of credited service. A vested former member shall not be eligible for early retirement.

6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members covered by this section.

7. The minimum credited service requirements of five years contained in sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this section. The

normal and early retirement eligibility requirements in this section shall apply for purposes of administering section 104.1087.

8. A member shall be required to contribute four percent of the member's pay to the retirement system, which shall stand to the member's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable under the year 2000 plan, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the member under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the member's pay that is includable in the member's gross income for federal income tax purposes;

(2) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of pay to a member. A deduction shall be made from each member's pay equal to the amount of the member's contributions picked up by the employer. This deduction, however, shall not reduce the member's pay for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Member contributions so picked up shall be credited to a separate account within the member's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, shall be paid by the employer in lieu of the contributions by the member. The member shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2014, and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that is published by the United States Department of Treasury, or its successor agency, for fifty-two week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor treasury bill investment rate as approved by the board if the fifty-two week treasury bill is no longer issued. Interest credits shall cease upon termination of employment if the member is not a vested former member. Otherwise, interest credits shall cease upon retirement or death;

(6) A vested former member or a former member who is not vested may request a refund of his or her contributions and interest credited thereon. If such member is married at the time of such request, such request shall not be processed without consent from the spouse. Such member is not eligible to request a refund if such member's retirement benefit is subject to a division of benefit order pursuant to section 104.1051. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later, and shall include all contributions made to any retirement plan administered by the system and interest credited thereon. A vested former member may not request a refund after such member becomes eligible for normal retirement. A vested former member or a former member who is not vested who receives a refund shall forfeit all the member's credited service and future rights to receive benefits from the system and shall not be eligible to receive any long-term disability benefits; provided that any member or vested former member receiving long-term disability benefits shall not be eligible for a refund. If such member subsequently becomes an employee and works continuously for at least one year, the credited service previously forfeited shall be restored if the member returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any member who made contributions shall receive a refund upon the member's death equal to the amount, if any, of such contributions and interest credited thereon less any retirement benefits received by the member unless an annuity is payable to a survivor or beneficiary as a result of the member's death. In that event, the beneficiary of the survivor or

beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the member's contributions less any annuity amounts received by the member and the survivor or beneficiary.

9. The employee contribution rate, the benefits provided under the year 2000 plan to members covered under this section, and any other provision of the year 2000 plan with regard to members covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the member after the effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

10. For purposes of members covered by this section, the options under section 104.1027 shall be as follows:

Option 1. A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-eight and one half percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of three-tenths of one percent for each year the retiree's age is younger than age sixty-seven years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of three-tenths of one percent for each year of age difference; provided, after all adjustments the option 1 percent cannot exceed ninety-four and one quarter percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 2. A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-one percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of four-tenths of one percent for each year the retiree's age is younger than sixty-seven years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for each year of age difference; provided, after all adjustments the option 2 percent cannot exceed eighty-seven and three quarter percent. Upon the retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 3. A retiree's life annuity shall be reduced to ninety-three percent of the annuity otherwise payable. If the retiree dies before having received one hundred twenty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred twenty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred twenty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

Option 4. A retiree's life annuity shall be reduced to eighty-six percent of the annuity otherwise payable. If the retiree dies before having received one hundred eighty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred eighty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred eighty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

11. The provisions of subsection 6 of section 104.1024 shall not apply to members covered by this section.

12. Effective January 1, 2018, a member who is not a statewide elected official or a member of the general assembly shall be eligible for retirement under this subsection subject to the following conditions:

(1) A member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least five years of credited service; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or, in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, such member's attainment of at least age sixty or the attainment of at least age fifty-five with five years of credited service;

(2) A vested former member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least five years of credited service;

(3) A temporary annuity paid under subsection 4 of section 104.1024 shall be payable if the member has attained at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or, in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, the temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-five with five years of credited service;

(4) A member, other than a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an early retirement annuity upon the attainment of at least age sixty-two and the completion of at least five years of credited service. A vested former member shall not be eligible for early retirement;

(5) The normal and early retirement eligibility requirements in this subsection shall apply for purposes of administering section 104.1087;

(6) The survivor annuity payable under section 104.1030 for vested former members covered by this section shall not be payable until the deceased member would have reached his or her normal retirement eligibility under this subsection;

(7) The annual cost-of-living adjustment payable under section 104.1045 shall not commence until the second anniversary of a vested former member's annuity starting date for members covered by this subsection;

(8) The unused sick leave credit granted under subsection 2 of section 104.1021 shall not apply to members covered by this subsection unless the member terminates employment after reaching normal retirement eligibility or becoming eligible for an early retirement annuity under this subsection; and

(9) The minimum credited service requirements of five years contained in sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be five years for members covered by this subsection.

**104.1092. DEFERRED ANNUITY, ONE-TIME ELECTION, WHEN — FORFEITURE OF CREDITABLE SERVICE — INELIGIBILITY FOR LONG-TERM DISABILITY BENEFITS. — 1.** In lieu of retirement annuity benefits otherwise payable under the closed plan or year 2000 plan, any member who has terminated employment, is entitled to a deferred annuity, and has not yet reached normal retirement age or eligibility may make a one-time election to receive a lump sum payment equal to a percentage of the present value of such member's deferred annuity should a board choose to establish such a program by board rule pursuant to section 104.1063.

2. Any such election under subsection 1 of this section may be made by the member beginning on a date as established by the board under such program but not after May

31, 2018. After May 31, 2018, no such election shall be made and retirement annuity benefits shall only be paid as otherwise provided by law under this chapter.

3. Any such member making such election under subsection 1 of this section shall forfeit all such member's creditable or credited service and future rights to receive retirement annuity benefits from the system under this chapter and shall not be eligible to receive any long-term disability benefits. If such member subsequently becomes an employee, such member shall be considered a new employee with no prior credited service and shall be subject to the provisions of section 104.1091.

**104.1205. DUTIES OF BOARD. DUTIES OF BOARD.** — The board of trustees of the Missouri state employees' retirement system shall:

(1) Establish a defined contribution plan for outside employees which, among other things, provides for immediate vesting;

(2) Select a third-party administrator to provide such services as the board determines to be necessary for the proper administration of the defined contribution plan;

(3) Select the investment products which shall be made available to the participants in the defined contribution plan;

(4) Annually establish the contribution rate used for purposes of subsection 3 of section 104.1066 for employees of institutions who are other than outside employees, which shall be done by considering all such employees to be part of the general employee population within the Missouri state employees' retirement system;

(5) Establish the contribution rate for outside employees which shall be equal to [one] six percent of payroll [less than the normal cost contribution rate established pursuant to subdivision (4) of this section; and];

(6) **Require outside employees hired on or after July 1, 2018, to contribute two percent of the employee's pay to the defined contribution plan which shall be credited to a separate account within the outside employee's individual account. The employing institution, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay such contributions. The contributions so picked up shall be treated as employer contributions for purposes of determining the outside employee's pay that is includable in the outside employee's gross income for federal income tax purposes. The outside employee's contributions picked up by the employing institution shall be:**

(a) **Paid from the same source of funds used for the payment of pay to an outside employee. A deduction shall be made from each outside employee's pay equal to the amount of the outside employee's contributions picked up by the employing institution; and**

(b) **Paid by the employing institution in lieu of the contributions by the outside employee, although designated as employee contributions. The outside employee shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employing institution to the defined contribution plan;**

(7) Establish such rules and regulations as may be necessary to carry out the purposes of this section; and

(8) **Allow outside employees to contribute to a supplemental account established by the employer. Such employees may elect to change the contribution rate in accordance with the terms of the supplemental account.**

**105.669. FELONY CONVICTION, INELIGIBLE FOR BENEFITS, WHEN — EMPLOYER TO NOTIFY OF OFFENSES, WHEN — LIST OF OFFENSES.** — 1. Any participant of a plan who is [found guilty] **convicted** of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after August 28, 2014, shall not be eligible to receive any retirement benefits from the respective plan based on service rendered on or after August 28, 2014, except a participant may

still request from the respective retirement system a refund of the participant's plan contributions, including interest credited to the participant's account.

2. [Upon a finding of guilt, the court shall forward a notice of the court's finding to] **The employer of any participant who is charged or convicted of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after August 28, 2014, shall notify the appropriate retirement system in which the offender was a participant].** The court shall also make a determination on the value of the money, property, or services involved in committing the offense] **and provide information in connection with such charge or conviction.** The plans shall take all actions necessary to implement the provisions of this section.

3. [The finding of guilt for] **A felony conviction based on** any of the following offenses or a substantially similar offense provided under federal law shall result in the ineligibility of retirement benefits as provided in subsection 1 of this section:

- (1) The offense of felony stealing under section 570.030 when such offense involved money, property, or services valued at five thousand dollars or more [as determined by the court];
- (2) The offense of felony receiving stolen property under section 570.080, **as it existed before January 1, 2017**, when such offense involved money, property, or services valued at five thousand dollars or more [as determined by the court];
- (3) The offense of forgery under section 570.090;
- (4) The offense of felony counterfeiting under section 570.103;
- (5) The offense of bribery of a public servant under section 576.010; or
- (6) The offense of acceding to corruption under section 576.020.

**137.280. FAILURE TO DELIVER LIST, PENALTY, EXCEPTIONS, SECOND NOTICE BY ASSESSOR REQUIRED BEFORE PENALTY TO APPLY — ASSESSOR TO TRANSMIT LOG TO FUND, WHEN. FAILURE TO DELIVER LIST, PENALTY, EXCEPTIONS, SECOND NOTICE BY ASSESSOR REQUIRED BEFORE PENALTY TO APPLY.** — 1. Taxpayers' personal property lists, except those of merchants and manufacturers, and except those of railroads, public utilities, pipeline companies or any other person or corporation subject to special statutory requirements, such as chapter 151, who shall return and file their assessments on locally assessed property no later than April first, shall be delivered to the office of the assessor of the county between the first day of January and the first day of March each year and shall be signed and certified by the taxpayer as being a true and complete list or statement of all the taxable tangible personal property. If any person shall fail to deliver the required list to the assessor by the first day of March, the owner of the property which ought to have been listed shall be assessed a penalty added to the tax bill, based on the assessed value of the property that was not reported, as follows:

Assessed Valuation	Penalty
0 - \$1,000	[\$10.00] <b>\$15.00</b>
\$1,001 - \$2,000	[\$20.00] <b>\$25.00</b>
\$2,001 - \$3,000	[\$30.00] <b>\$35.00</b>
\$3,001 - \$4,000	[\$40.00] <b>\$45.00</b>
\$4,001 - \$5,000	[\$50.00] <b>\$55.00</b>
\$5,001 - \$6,000	[\$60.00] <b>\$65.00</b>
\$6,001 - \$7,000	[\$70.00] <b>\$75.00</b>
\$7,001 - \$8,000	[\$80.00] <b>\$85.00</b>
\$8,001 - \$9,000	[\$90.00] <b>\$95.00</b>
\$9,001 and above	[\$100.00] <b>\$105.00</b>

The assessor in any county of the first classification without a charter form of government with a population of one hundred thousand or more inhabitants which contains all or part of a city with a population of three hundred fifty thousand or more inhabitants shall omit assessing the penalty in any case where he **or she** is satisfied the neglect is unavoidable and not willful or falls

into one of the following categories. The assessor in all other political subdivisions shall omit assessing the penalty in any case where he **or she** is satisfied the neglect falls into at least one of the following categories:

- (1) The taxpayer is in military service and is outside the state;
  - (2) The taxpayer filed timely, but in the wrong county;
  - (3) There was a loss of records due to fire or flood;
  - (4) The taxpayer can show the list was mailed timely as evidenced by the date of postmark;
- [or]
- (5) The assessor determines that no form for listing personal property was mailed to the taxpayer for that tax year; or
  - (6) The neglect occurred as a direct result of the actions or inactions of the county or its employees or contractors.

2. Between March first and April first, the assessor shall send to each taxpayer who was sent an assessment list for the current tax year, and said list was not returned to the assessor, a second notice that statutes require the assessment list be returned immediately. In the event the taxpayer returns the assessment list to the assessor before May first, the penalty described in subsection 1 of this section shall not apply. If said assessment list is not returned before May first by the taxpayer, the penalty shall apply.

3. It shall be the duty of the county commission and assessor to place on the assessment rolls for the year all personal property discovered in the calendar year which was taxable on January first of that year.

**4. If annual waivers exceed forty percent then by February first of each year, the assessor shall transmit to the county employees' retirement fund an electronic or paper copy of the log maintained under subsection 3 of section 50.1020 for the prior calendar year.**

**137.345. FAILURE TO DELIVER LIST, PENALTY, EXCEPTIONS — SECOND NOTICE TO BE GIVEN BY ASSESSOR BEFORE PENALTY TO APPLY — SUCCESSFUL APPEAL BY TAXPAYER, INCREASES TO USE APPEAL BASIS. FAILURE TO DELIVER LIST, PENALTY, EXCEPTIONS — SECOND NOTICE TO BE GIVEN BY ASSESSOR BEFORE PENALTY TO APPLY — SUCCESSFUL APPEAL BY TAXPAYER, INCREASES TO USE APPEAL BASIS (COUNTIES FIRST CLASS).** — 1. If any person, corporation, partnership or association neglects or refuses to deliver an itemized statement or list of all the taxable tangible personal property signed and certified by the taxpayer, as required by section 137.340, by the first day of March, [they] **the taxpayer** shall be assessed a penalty added to the tax bill, based on the assessed value of the property that was not reported, as follows:

Assessed Valuation	Penalty
0 - \$1,000	[\$10.00] <b>\$15.00</b>
\$1,001 - \$2,000	[\$20.00] <b>\$25.00</b>
\$2,001 - \$3,000	[\$30.00] <b>\$35.00</b>
\$3,001 - \$4,000	[\$40.00] <b>\$45.00</b>
\$4,001 - \$5,000	[\$50.00] <b>\$55.00</b>
\$5,001 - \$6,000	[\$60.00] <b>\$65.00</b>
\$6,001 - \$7,000	[\$70.00] <b>\$75.00</b>
\$7,001 - \$8,000	[\$80.00] <b>\$85.00</b>
\$8,001 - \$9,000	[\$90.00] <b>\$95.00</b>
\$9,001 and above	[\$100.00] <b>\$105.00</b>

The assessor in any county of the first classification without a charter form of government with a population of one hundred thousand or more inhabitants which contains all or part of a city with a population of three hundred fifty thousand or more inhabitants shall omit assessing the penalty in any case where he **or she** is satisfied the neglect is unavoidable and not willful or falls

into one of the following categories. The assessor in all other political subdivisions shall omit assessing the penalty in any case where he **or she** is satisfied the neglect falls into at least one of the following categories:

- (1) The taxpayer is in military service and is outside the state;
- (2) The taxpayer filed timely, but in the wrong county;
- (3) There was a loss of records due to fire, theft, fraud or flood;
- (4) The taxpayer can show the list was mailed timely as evidenced by the date of postmark;

[or]

(5) The assessor determines that no form for listing personal property was mailed to the taxpayer for that tax year; or

(6) The neglect occurred as a direct result of the actions or inactions of the county or its employees or contractors.

2. It shall be the duty of the county commission and assessor to place on the assessment rolls for the year all property discovered in the calendar year which was taxable on January first of that year.

3. Between March first and April first, the assessor shall send to each taxpayer who was sent an assessment list for the current tax year, and said list was not returned to the assessor, a second notice that statutes require that the assessment list be returned immediately. In the event the taxpayer returns the assessment list to the assessor before May first, the penalty described in subsection 1 of this section shall not apply. If said assessment list is not returned before May first by the taxpayer, the penalty shall apply.

4. The assessor, in the absence of the owner failing to deliver a required list of property is not required to furnish to the owner a duplicate of the assessment as made.

5. In every instance where a taxpayer has appealed to the board of equalization or the state tax commission the assessment of the taxpayer's property, real or personal, and that appeal has been successful, then in the next following and all subsequent years the basis upon which the assessor must base future assessments of the subject property shall be the basis established by the successful appeal and any increases must be established from that basis.

**140.100. PENALTY AGAINST DELINQUENT LANDS. PENALTY AGAINST DELINQUENT LANDS.** — 1. Each tract of land in the back tax book, in addition to the amount of tax delinquent, shall be charged with a penalty of eighteen percent of each year's delinquency except that the penalty on lands redeemed prior to sale shall not exceed two percent per month or fractional part thereof.

2. For making and recording the delinquent land lists, the collector and the clerk shall receive ten cents per tract or lot and the clerk shall receive five cents per tract or lot for comparing and authenticating such list.

**3. In all counties except counties having a charter form of government before January 1, 2008, and any city not within a county, in addition to the amount collected in subsection 2 of this section, for making and recording the delinquent land lists, the collector and the clerk shall each receive five dollars per tract or lot. The ten dollars shall be paid into the county employees' retirement fund established pursuant to section 50.1010.**

**169.141. SUCCESSOR BENEFICIARY MAY BE NOMINATED BY PERSON RECEIVING REDUCED ALLOWANCE, WHEN, PROCEDURE — ALLOWANCE INCREASE, WHEN.** — 1. Any person receiving a retirement allowance under sections 169.010 to 169.140, and who elected a reduced retirement allowance under subsection 3 of section 169.070 with his **or her** spouse as the nominated beneficiary, may nominate a successor beneficiary under either of the following circumstances:



(1) If the nominated beneficiary predeceases the retired person in death, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement;

(2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement.

2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of this section must be made in accordance with procedures established by the board of trustees, and must be filed within ninety days of May 6, 1993, or within [ninety days] **one year** of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

**3. Any person receiving a retirement allowance under sections 169.010 to 169.140 who elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:**

**(1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2017;**

**(2) The dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; and**

**(3) The person receives a retirement allowance under subsection 3 of section 169.070.**

**Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution that meets the requirements of this section.**

**169.324. RETIREMENT ALLOWANCES, AMOUNTS — RETIRANTS MAY SUBSTITUTE WITHOUT AFFECTING ALLOWANCE, LIMITATION — ANNUAL DETERMINATION OF ABILITY TO PROVIDE BENEFITS, STANDARDS — ACTION PLAN FOR USE OF MINORITY AND WOMEN MONEY MANAGERS, BROKERS AND INVESTMENT COUNSELORS. — 1.** The annual service retirement allowance payable pursuant to section 169.320 shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:

(1) A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(2) A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;

(3) A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two

percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any retirant who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the retirant elected any of the options available under section 169.326. Any retirant who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the retirant elected any of the options available under section 169.326). Any beneficiary of a deceased retirant who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331[, 169.580] and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. **In addition to the conditions set forth above, the restrictions of this subsection shall also apply to any person retired and currently receiving a retirement allowance under sections 169.270 to 169.400, other than for disability, who is employed by a third party or is performing work as an independent contractor if the services performed by such person are provided to or for the benefit of any employer in the retirement system established under section 169.280. The retirement system may require the employer receiving such services, the third-party employer, the independent contractor, and the retirant subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retirant to have exceeded the limitations provided for in this subsection.** If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331[, 169.580,] or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date,

plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the then applicable employer and member contribution rate as determined under subsection 4 of section 169.350;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as

of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

**169.460. RETIREMENT, WHEN — PENSIONS, HOW COMPUTED — EARLY RETIREMENT, WHEN, PENSIONS, HOW COMPUTED — DISABILITY RETIREMENT, WHEN, PENSIONS, HOW COMPUTED — DEATH BEFORE RETIREMENT, EFFECT OF — BENEFICIARY DEFINED, BENEFITS, HOW COMPUTED — RETIRANTS MAY BECOME ACTIVE, HOW — MINIMUM BENEFITS, WHEN. — 1.** Any member may retire and receive a normal pension upon his **or her** written application to the board of trustees setting forth at what time not less than fifteen days nor more than one hundred eighty days subsequent to the execution and filing of such application he **or she** desires to be retired; provided, that the member at the time so specified for his **or her** retirement either (a) shall have attained age sixty-five or (b) shall have attained an age which when added to the number of years of credited service of such member shall total a sum not less than [eighty-five] **eighty**. For purposes of computing any member's age under this section, the board shall, if necessary, add to his **or her** actual age any accumulated and unused days of sick leave included in his **or her** credited service.

2. Upon retirement [pursuant to] **under** subsection 1 of this section, a member shall receive an annual pension payable in monthly installments **in the following manner:**

**(1) A member hired prior to January 1, 2018, shall receive an annual pension payable in monthly installments equal to his or her number of years of credited service multiplied by two percent of his or her average final compensation subject to a maximum pension of sixty percent of his or her average final compensation; or**

**(2) A member hired for the first time on or after January 1, 2018, shall receive an annual pension payable in monthly installments equal to his or her number of years of credited service multiplied by one and three-fourths percent of such member's average final compensation subject to a maximum pension of sixty percent of the member's average final compensation.**

3. A member who is not eligible for normal pension pursuant to subsection 1 of this section but who has attained age sixty and has five or more years of credited service may make application in the same manner as pursuant to subsection 1 of this section for an early pension. His **or her** early pension shall be computed pursuant to subsection 2 of this section, but shall be reduced by five-ninths of one percent for each month such member's early retirement date precedes the earliest date he **or she** could have received a normal pension pursuant to subsection 1 of this section had his **or her** service continued.

4. Upon the written application of the member or of the employing board, any active member who has five or more years of credited service with such board and does not qualify for a normal pension pursuant to subsection 1 of this section may be retired by the board of trustees, not less than fifteen days and not more than one hundred eighty days next following the date of filing such application, and receive a disability pension, provided, that the medical board after a medical examination of such member or such member's medical records shall certify that such member is unable to further perform his **or her** duties due to mental or physical incapacity, and that such incapacity is likely to be permanent and that such member should be retired; or,

provided the member furnishes evidence of the receipt of disability benefits under the federal Old Age, Survivors and Disability Insurance System of the Social Security Act. The determination of the board of trustees in the matter shall be final and conclusive. A member being retired pursuant to this subsection who has accumulated unused vacation and sick leave may elect to have the commencement of his **or her** disability pension deferred for more than one hundred eighty days during the period he **or she** is entitled to vacation and sick pay.

5. Upon retirement for disability, a member shall receive a disability pension until such time as he **or she** meets the requirements for a normal pension pursuant to subsection 1 of this section, at which time his **or her** disability pension will be deemed to be a normal pension. The member's disability pension shall be the larger of:

(1) A normal pension based on his **or her** credited service to the date of his **or her** retirement for disability and calculated as if he **or she** were age sixty-five; or

(2) One-fourth of his **or her** average final compensation; except that such benefit shall not exceed the normal pension which he **or she** would have received upon retirement if his **or her** service had continued and he **or she** had satisfied the eligibility requirements of subsection 1 of this section and had his **or her** final average compensation been unchanged.

6. Once each year during the first five years following retirement for disability and once in every three-year period thereafter while receiving a disability pension, the board of trustees may, and shall, require any member receiving a disability pension who has not yet become eligible for a normal pension pursuant to subsection 1 of this section to undergo a medical examination at a place designated by the medical board or by a physician or physicians designated by such board. If any such member receiving a disability pension refuses to submit to such medical examination, his **or her** benefit may be discontinued until his **or her** withdrawal of such refusal, and if his **or her** refusal continues for one year, all rights in and to his **or her** pension may be revoked by the board of trustees.

7. If the board of trustees finds that any member receiving a disability pension is engaged in or is able to engage in a gainful occupation paying more than the difference between his **or her** disability pension plus benefits, if any, to which he **or she** and his **or her** family are eligible under the federal Old Age, Survivors and Disability Insurance System of the Social Security Act and the current rate of monthly compensation for the position he **or she** held at retirement, then the amount of his **or her** disability pension shall be reduced to an amount which together with the amount earnable by him **or her** shall equal such current rate of monthly compensation. The decisions of the board of trustees in regard to such modification of disability benefits shall be final and conclusive.

8. If any member receiving a disability pension is restored to service as an employee, he **or she** shall again become an active member of the retirement system and contribute thereunder. His **or her** credited service at the time of his **or her** retirement for disability shall be restored and the excess of his **or her** accumulated contributions at his **or her** retirement for disability over the total disability pension payments which he **or she** received shall be credited to his **or her** account.

9. If a member with fewer than five years credited service ceases to be an employee, except by death, he **or she** shall be paid the amount of his **or her** accumulated contributions in accordance with applicable provisions of the Internal Revenue Code.

10. If a member with five years or more credited service ceases to be an employee, except by death or retirement, he **or she** shall be paid on demand the amount of his **or her** accumulated contributions, or he **or she** may leave his **or her** accumulated contributions with the retirement system and be an inactive member and claim a retirement benefit at any time after he **or she** reaches the minimum age for retirement, except that if such a member's accumulated contributions do not exceed the involuntary distribution limits under provisions of the Internal Revenue Code, the member must elect to become an inactive member within thirty days of employment separation to avoid application of the involuntary distribution provisions of the

Internal Revenue Code. When an inactive member presents his **or her** valid claim to the board of trustees, he **or she** shall be granted a benefit at such time and for such amount as is available pursuant to subsection 2 or 3 of this section in accordance with the provisions of law in effect at the time his **or her** active membership ceased. The accumulated contributions of an inactive member may be withdrawn at any time upon ninety days' notice or such shorter notice as is approved by the board of trustees. If an inactive member dies before retirement, his **or her** accumulated contributions shall be paid to his **or her** designated beneficiary, if living, otherwise to the estate of the member. A member's accumulated contributions shall not be paid to him **or her** so long as he **or she** remains in service as an employee.

11. Any member upon retirement shall receive his **or her** pension payable throughout life subject to the provision that if his **or her** death occurs before he **or she** has received total benefits at least as large as his **or her** accumulated contributions at retirement, the difference shall be paid in one sum to his **or her** designated beneficiary, if living, otherwise to the estate of the retired member.

12. Prior to the date of retirement pursuant to subsection 2, 3, or 4 of this section, a member may elect to receive the actuarial equivalent of his **or her** pension in a lesser amount, payable throughout life under one of the following options with the provision that:

Option 1. Upon his **or her** death, his **or her** pension shall be continued throughout the life of and paid to his **or her** beneficiary, or

Option 2. Upon his **or her** death, one-half of his **or her** pension shall be continued throughout the life of and paid to his **or her** beneficiary, or

Option 3. Upon his **or her** death, his **or her** pension shall be continued throughout the life of and paid to his **or her** beneficiary, provided that in the event his **or her** designated beneficiary predeceases him **or her**, then his **or her** pension shall be adjusted effective the first day of the month following the month in which his **or her** designated beneficiary died to the amount determined pursuant to subsection 2 or 3 of this section at the time of his **or her** retirement, or

Option 4. Upon his **or her** death, one-half of his **or her** pension shall be continued throughout the life of and paid to his **or her** beneficiary, provided that in the event his **or her** designated beneficiary predeceases him **or her**, then his **or her** pension shall be adjusted effective the first day of the month following the month in which his **or her** designated beneficiary died to the amount determined pursuant to subsection 2 or 3 of this section at the time of his **or her** retirement.

Option 5. Prior to age sixty-two the member will receive an increased pension, where the total pension prior to age sixty-two is approximately equal to the pension after age sixty-two plus the member's estimated federal Social Security benefit, provided that the reduced pension after age sixty-two is not less than one-half the pension the member could have received had no option been elected. A member may elect a combination of Option 1 and Option 5, or Option 2 and Option 5. The survivor benefits payable to a beneficiary, other than the spouse of the retired member, under any of the foregoing options shall in no event exceed fifty percent of the actuarial equivalent of the pension determined pursuant to subsection 2 or 3 of this section at the time of retirement.

13. If an option has been elected pursuant to subsection 12 of this section, and both the retired member and beneficiary die before receiving total benefits as large as the member's accumulated contributions at retirement, the difference shall be paid to the designated beneficiary of the person last entitled to benefits, if living, otherwise to the estate of the person last entitled to benefits.

14. If an active member dies while an employee and with five or more years of credited service and a dependent of the member is designated as beneficiary to receive his **or her** accumulated contributions, such beneficiary may, in lieu thereof, request that benefits be paid under option 1, subsection 12 of this section, as if the member had attained age sixty, if the member was less than sixty years of age at the time of his **or her** death, and had retired under

such option as of the date of death, provided that under the same circumstances a member may provide by written designation that benefits must be paid pursuant to option 1 to such beneficiary. In addition to benefits received under option 1, subsection 12 of this section, a surviving spouse receiving benefits under this subsection shall receive sixty dollars per month for each unmarried dependent child of the deceased member who is under twenty-two years of age and is in the care of the surviving spouse; provided, that if there are more than three such unmarried dependent children one hundred eighty dollars shall be divided equally among them. A "dependent beneficiary" for the purpose of this subsection only shall mean either the surviving spouse or a person who at the time of the death of the member was receiving at least one-half of his **or her** support from the member, and the determination of the board of trustees as to whether a person is a dependent shall be final.

15. In lieu of accepting the payment of the accumulated contributions of a member who dies after having at least eighteen months of credited service and while an employee, an eligible beneficiary or, if no surviving eligible beneficiary, the unmarried dependent children of the member under twenty-two years of age may elect to receive the benefits pursuant to subdivision (1), (2), (3), or (4) of this subsection. An "eligible beneficiary" is the surviving spouse, unmarried dependent children under twenty-two years of age or dependent parents of the member, if designated as beneficiary. A "dependent" is one receiving at least one-half of his **or her** support from the member at his **or her** death.

(1) A surviving spouse who is sixty-two years of age at the death of the member or upon becoming such age thereafter, and who was married to the member at least one year, may receive sixty dollars per month for life. A spouse may receive this benefit after receiving benefits pursuant to subdivision (2) of this subsection;

(2) A surviving spouse who has in his or her care an unmarried dependent child of the deceased member under twenty-two years of age may receive sixty dollars per month plus sixty dollars per month for each child under twenty-two years of age but not more than a total of two hundred forty dollars per month;

(3) If no benefits are payable pursuant to subdivision (2) of this subsection, unmarried dependent children under the age of twenty-two may receive sixty dollars each per month; provided that if there are more than three such children one hundred eighty dollars per month shall be divided equally among them;

(4) A dependent parent upon attaining sixty-two years of age may receive sixty dollars per month as long as not remarried provided no benefits are payable at any time pursuant to subdivision (1), (2), or (3) of this subsection. If there are two dependent parents entitled to benefits, sixty dollars per month shall be divided equally between them;

(5) If the benefits pursuant to this subsection are elected and the total amount paid is less than an amount equal to the accumulated contributions of a member at his **or her** death, the difference shall be payable to the beneficiary or the estate of the beneficiary last entitled to benefits.

16. If a member receiving a normal pension again becomes an active member, his **or her** pension benefit payments shall cease during such membership and shall be resumed upon subsequent retirement together with such pension benefit as shall accrue by reason of his **or her** latest period of membership. Except as otherwise provided in section 105.269, a retired member may not receive a pension benefit for any month for which he **or she** receives compensation from an employing board, except he **or she** may serve as a part-time or temporary employee for not to exceed sixty days in any calendar year without becoming a member and without having his **or her** pension benefit discontinued. A retired member may also serve as a member of the board of trustees and receive any reimbursement for expenses allowed him **or her** because of such service without becoming an active member and without having his **or her** pension benefit discontinued or reduced.

17. Upon approval of the board of trustees, any member may make contributions in addition to those required. Any additional contributions shall be accumulated at interest and paid

in addition to the benefits provided hereunder. The board of trustees shall make such rules and regulations as it deems appropriate in connection with additional contributions including limitations on amounts of contributions and methods of payment of benefits.

18. Notwithstanding any other provisions of this section, any member retiring on or after age sixty-five who has five or more years of credited service shall be entitled to an annual pension of the lesser of (a) an amount equal to his **or her** number of years of credited service multiplied by one hundred twenty dollars, or (b) one thousand eight hundred dollars. Upon the death of such member, any benefits payable to the beneficiary of such member shall be computed as otherwise provided.

**169.490. ASSETS OF SYSTEM TO BE HELD AS ONE FUND — CONTRIBUTION, RATE, HOW COLLECTED — EMPLOYER'S CONTRIBUTION RATE TO BE CALCULATED ANNUALLY. — 1.** All the assets of the retirement system shall be held as one fund.

[1.] **2. (1) For any member hired before January 1, 2018,** the employing board shall cause to be deducted from the compensation of each member at every payroll period five percent of his **or her** compensation[, and].

**(2) Beginning January 1, 2018, the percentage in subdivision (1) of this subsection shall increase one-half of one percent annually until such time as the percentage equals nine percent.**

**(3) For any member hired for the first time on or after January 1, 2018, the employing board shall cause to be deducted from the compensation of each member at every payroll period nine percent of such member's compensation.**

**(4)** The amounts so deducted shall be transferred to the board of trustees and credited to the individual account of each member from whose compensation the deduction was made. In determining the amount earnable by a member in any payroll period, the board of trustees may consider the rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period; it may omit deduction from compensation for any period less than a full payroll period if the employee was not a member on the first day of the payroll period; and to facilitate the making of the deductions, it may modify the deduction required of any member by such amount as shall not exceed one-tenth of one percent of the compensation upon the basis of which such deduction was made.

[2.] **(5)** The deductions provided for herein are declared to be a part of the salary of the member and the making of such deductions shall constitute payments by the member out of his **or her** salary or earnings and such deductions shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for his **or her** full salary or compensation, and the making of said deductions and the payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.410 to 169.540.

[3.] **(6)** The employing board may elect to pay member contributions required by this section as an employer pick up of employee contributions under Section 414(h)(2) of the Internal Revenue Code of 1986, as amended, and such contributions picked up by the employing board shall be treated as contributions made by members for all purposes of sections 169.410 to 169.540.

[2.] **3.** If a retired member receiving a pension pursuant to sections 169.410 to 169.540 is restored to active service and again becomes an active member of the retirement system, there shall be credited to his **or her** individual account an amount equal to the excess, if any, of his **or her** accumulated contributions at retirement over the total pension benefits paid to him **or her**.

[3.] **4.** Annually, the actuary for the retirement system shall calculate each employer's contribution as an amount equal to a certain percentage of the total compensation of all members employed by that employer. The percentage shall be fixed on the basis of the liabilities of the



retirement system as shown by the annual actuarial valuation. The annual actuarial valuation shall be made on the basis of such actuarial assumptions and the actuarial cost method adopted by the board of trustees, provided that the actuarial cost method adopted shall be in accordance with generally accepted actuarial standards and that the unfunded actuarial accrued liability, if any, shall be amortized by level annual payments over a period not to exceed thirty years. **The provisions of this subsection shall expire on December 31, 2017; thereafter subsection 5 of this section shall apply.**

**5. For calendar year 2018, the rate of contribution payable by each employer shall equal sixteen percent of the total compensation of all members employed by that employer. For each calendar year thereafter, the percentage rate of contribution payable by each employer of the total compensation of all members employed by that employer shall decrease one-half of one percent annually until calendar year 2032 when the rate of contribution payable by each employer shall equal nine percent of the total compensation of all members employed by that employer. For subsequent calendar years after 2032, the rate of contribution payable by each employer shall equal nine percent of the total compensation of all members employed by that employer.**

**[4.] 6. The expense and contingency reserve shall be a reserve for investment contingencies and estimated expenses of administration of the retirement system as determined annually by the board of trustees.**

**[5.] 7. Gifts, devises, bequests and legacies may be accepted by the board of trustees to be held and invested as a part of the assets of the retirement system and shall not be separately accounted for except where specific direction for the use of a gift is made by a donor.**

**169.560. RETIREES MAY BE EMPLOYED FOR LIMITED TIME — SALARY AMOUNT, EFFECT ON BENEFITS.** — Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a district included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the [employing] district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the [employing] school district does not utilize a salary schedule, or if the position in question is not subject to the [employing] district's salary schedule, a retiree employed in accordance with the provisions of this section may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position in the [employing] school district that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such a district [on a regular, full-time basis,] **in excess of the limitations set forth in this section**, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. **In addition, such person [and] shall contribute to the retirement system if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this section shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is**

performing work as an independent contractor, if such person is performing work in a district included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district. The retirement system may require the district, the third-party employer, the independent contractor, and the retiree subject to this section to provide documentation showing compliance with this section. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this section.

**169.715. SUCCESSOR BENEFICIARY MAY BE NOMINATED BY PERSON RECEIVING REDUCED ALLOWANCE, WHEN, PROCEDURE — INCREASE PERMITTED, WHEN.** — 1. Any person receiving a retirement allowance under sections 169.600 to 169.712, and who elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her spouse as the nominated beneficiary, may nominate a successor beneficiary under either of the following circumstances:

(1) If the nominated beneficiary precedes the retired person in death, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement;

(2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement.

2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of this section must be made in accordance with procedures established by the board of trustees, and must be filed within ninety days of May 6, 1993, or within [ninety days] **one year** of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

**3. Any person receiving a retirement allowance under sections 169.600 to 169.715 who elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:**

(1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2017;

(2) The dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; and

(3) The person receives a retirement allowance under subsection 4 of section 169.670.

**Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution that meets the requirements of this section.**

**SECTION B. EFFECTIVE DATE.** — The repeal and reenactment of section 104.1205 of section A of this act shall become effective July 1, 2018.

**SECTION C. EFFECTIVE DATE.** — The repeal and reenactment of sections 52.290, 137.280, 137.345, and 140.100 of section A of this act shall become effective January 1, 2018.

Approved July 14, 2017

SB 64 [CCS SB 64]

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

**Gives designation to certain infrastructure**

AN ACT to amend chapter 227, RSMo, by adding thereto seven new sections relating to infrastructure designations.

SECTION

- A. Enacting clause.
- 227.447. USMA Cadet Thomas M. Surdyke Memorial Highway designated for a portion of I-55 in Jefferson County.
- 227.448. Narvel Felts Highway designated for a portion of Business 25 through the city of Malden in Dunklin County.
- 227.449. Sherman Brown Jr. Memorial Highway designated for a portion of State Highway 163 in Boone County.
- 227.532. Edward F. Dixon The Third Memorial Highway designated for a portion of Missouri 249 in Jasper County.
- 227.533. Lyndon Ebker Memorial Bridge designated for the bridge on State Highway 100 crossing over Big Boeuf Creek in Franklin County.
- 227.535. Veterans - Heroes Highway designated for a portion of State Highway 231 in St. Louis City.
1. Roger "Dusty" Shaw Memorial Bridge designated for the bridge on State Highway 99 crossing over Eleven Point River in Thomasville in Oregon 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 227.447, 227.448, 227.449, 227.532, 227.533, 227.535, and 1, to read as follows:

**227.447. USMA CADET THOMAS M. SURDYKE MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-55 IN JEFFERSON COUNTY.** — The portion of Interstate Highway 55 from its interchange with U.S. Highway 61 at exit 170 continuing north to the point at which U.S. Highway 61 overpasses Interstate Highway 55 in Jefferson County shall be designated the "USMA Cadet Thomas M. Surdyke Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

**227.448. NARVEL FELTS HIGHWAY DESIGNATED FOR A PORTION OF BUSINESS 25 THROUGH THE CITY OF MALDEN IN DUNKLIN COUNTY.** — The portion of Business 25 from Taylor Street continuing north to Douglas Street through the city of Malden in Dunklin County shall be designated the "Narvel Felts Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

**227.449. SHERMAN BROWN JR. MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 163 IN BOONE COUNTY.** — The portion of State Highway 163 from the interchange with Interstate 70 continuing south to Loop 70 in Boone County shall be designated as "Sherman Brown Jr. Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

**227.532. EDWARD F. DIXON THE THIRD MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF MISSOURI 249 IN JASPER COUNTY.** — The portion of Missouri 249 from State

Highway VV continuing north to Missouri 171 in Jasper County shall be designated as the "Edward F. Dixon The Third 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.

**227.533. LYNDON EBKER MEMORIAL BRIDGE DESIGNATED FOR THE BRIDGE ON STATE HIGHWAY 100 CROSSING OVER BIG BOEUF CREEK IN FRANKLIN COUNTY.** — The bridge on State Highway 100 crossing over Big Boeuf Creek in Franklin County shall be designated the "Lyndon Ebker Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs of such designation to be paid for by private donation.

**227.535. VETERANS - HEROES HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 231 IN ST. LOUIS CITY.** — The portion of State Highway 231 from the interchange with Interstate 255 north to River City Casino Boulevard in St. Louis City shall be designated the "Veterans - Heroes Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid for by private donations.

**SECTION 1. ROGER "DUSTY" SHAW MEMORIAL BRIDGE DESIGNATED FOR THE BRIDGE ON STATE HIGHWAY 99 CROSSING OVER ELEVEN POINT RIVER IN THOMASVILLE IN OREGON COUNTY.** — The bridge on State Highway 99 crossing over Eleven Point River in Thomasville in Oregon County shall be designated as the "Roger "Dusty" Shaw Memorial Bridge". The department of transportation shall erect and maintain signs designating such bridge, with the cost of such designation to be paid for by private donations.

Approved July 11, 2017

SB 66 [HCS SS SCS SB 66]

**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 workers' compensation**

AN ACT to repeal sections 287.020, 287.037, 287.120, 287.149, 287.170, 287.200, 287.203, 287.240, 287.243, 287.280, 287.390, and 287.780, RSMo, and to enact in lieu thereof twelve new sections relating to workers' compensation.

**SECTION**

- A. Enacting clause.
- 287.020. Definitions — intent to abrogate earlier case law.
- 287.037. Member of limited liability company to receive coverage, rejection of coverage, rescission of rejection — S corporation, certain shareholders may elect or reject coverage.
- 287.120. Liability of employer set out — compensation increased or reduced, when — use of alcohol or controlled substances or voluntary recreational activities, injury from — effect on compensation — mental injuries, requirements, firefighter stress not affected.
- 287.149. Benefits to be paid, when — reduction of benefits, when.
- 287.170. Temporary total disability, amount to be paid — method of payment — disqualification, when — post injury misconduct defined — benefits not payable, when.
- 287.200. Permanent total disability, amount to be paid — suspension of payments, when — toxic exposure, treatment of claims.
- 287.203. Termination of compensation by employer, employee right to hearing — assessment of costs.

- 287.240. Death benefits and burial expenses, amount, to whom paid and when paid — dependent defined — death benefits, how distributed — record of dependents, employer to keep — dependents to report to division, procedure.
- 287.243. Line of duty compensation — definitions — claim procedure — distribution — no subrogation rights for employers or insurers — grievance procedures — sunset date — fund created, use of moneys — rulemaking authority.
- 287.280. Employer's entire liability to be covered, self-insurer or approved carrier — exception — group of employers may qualify as self-insurers — rules — confidential records.
- 287.390. Compromise settlements, how made — validity, effect, settlement with minor dependents — employee entitled to one hundred percent of offer, when — maximum medical improvement, rating from second physician, when..
- 287.780. Discrimination because of exercising compensation rights prohibited — civil action for damages — motivating factor defined.

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

**SECTION A. ENACTING CLAUSE.** — Sections 287.020, 287.037, 287.120, 287.149, 287.170, 287.200, 287.203, 287.240, 287.243, 287.280, 287.390, and 287.780, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 287.020, 287.037, 287.120, 287.149, 287.170, 287.200, 287.203, 287.240, 287.243, 287.280, 287.390, and 287.780, to read as follows:

**287.020. DEFINITIONS — INTENT TO ABROGATE EARLIER CASE LAW.** — 1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. Except as otherwise provided in section 287.200, any reference to any employee who has been injured shall, when the employee is dead, also include his **or her** dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. The word "employee" shall not include an individual who is the owner, as defined in subdivision (42) of section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies. The word "employee" also shall not include any person performing services for board, lodging, aid, or sustenance received from any religious, charitable, or relief organization.

2. The word "accident" as used in this chapter shall mean an unexpected traumatic event or unusual strain identifiable by time and place of occurrence and producing at the time objective symptoms of an injury caused by a specific event during a single work shift. An injury is not compensable because work was a triggering or precipitating factor.

3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen out of and in the course of employment. An injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability. "The prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the accident is the prevailing factor in causing the injury; and

(b) It does not come from a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life.

(3) An injury resulting directly or indirectly from idiopathic causes is not compensable.

(4) A cardiovascular, pulmonary, respiratory, or other disease, or cerebrovascular accident or myocardial infarction suffered by a worker is an injury only if the accident is the prevailing factor in causing the resulting medical condition.

(5) The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the worker is at work.

4. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Injuries sustained in company-owned or subsidized automobiles in accidents that occur while traveling from the employee's home to the employer's principal place of business or from the employer's principal place of business to the employee's home are not compensable. The extension of premises doctrine is abrogated to the extent it extends liability for accidents that occur on property not owned or controlled by the employer even if the accident occurs on customary, approved, permitted, usual or accepted routes used by the employee to get to and from their place of employment.

6. The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

7. As used in this chapter and all acts amendatory thereof, the term "commission" shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term "director" shall hereafter be construed as meaning the director of the department of insurance, financial institutions and professional registration of the state of Missouri or such agency of government as shall exercise the powers and duties now conferred and imposed upon the department of insurance, financial institutions and professional registration of the state of Missouri.

8. The term "division" as used in this chapter means the division of workers' compensation of the department of labor and industrial relations of the state of Missouri.

9. For the purposes of this chapter, the term "minor" means a person who has not attained the age of eighteen years; except that, for the purpose of computing the compensation provided for in this chapter, the provisions of section 287.250 shall control.

10. In applying the provisions of this chapter, it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "accident", "occupational disease", "arising out of", and "in the course of the employment" to include, but not be limited to, holdings in: *Bennett v. Columbia Health Care and Rehabilitation*, 80 S.W.3d 524 (Mo.App. W.D. 2002); *Kasl v. Bristol Care, Inc.*, 984 S.W.2d 852 (Mo.banc 1999); and *Drewes v. TWA*, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or following those cases.

11. For the purposes of this chapter, "occupational diseases due to toxic exposure" shall only include the following: mesothelioma, asbestosis, berylliosis, coal worker's pneumoconiosis, bronchiolitis obliterans, silicosis, silicotuberculosis, manganism, acute myelogenous leukemia, and myelodysplastic syndrome.

**12. For the purposes of this chapter, "maximum medical improvement" shall mean the point at which the injured employee's medical condition has stabilized and can no longer reasonably improve with additional medical care, as determined within a reasonable degree of medical certainty.**

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**287.037. MEMBER OF LIMITED LIABILITY COMPANY TO RECEIVE COVERAGE, REJECTION OF COVERAGE, RESCISSION OF REJECTION — S CORPORATION, CERTAIN SHAREHOLDERS MAY ELECT OR REJECT COVERAGE. — 1.** Notwithstanding any other provision of law to the contrary, beginning January 1, 1997, those insurance companies providing coverage pursuant to chapter 287, to a limited liability company, as defined in section 347.015, shall provide coverage for the employees of the limited liability company who are not members of the limited liability company. Members of the limited liability company, as defined in section 347.015, shall also be provided coverage pursuant to chapter 287, but such members may individually elect to reject such coverage by providing a written notice of such rejection on a form developed by the department of insurance, financial institutions and professional registration to the limited liability company and its insurer. Failure to provide notice to the limited liability company shall not be grounds for any member to claim that the rejection of such coverage is not legally effective. A member who elects to reject such coverage shall not thereafter be entitled to workers' compensation benefits under the policy, even if serving or working in the capacity of an employee of the limited liability company, at least until such time as said member provides the limited liability company and its insurer with a written notice which rescinds the prior rejection of such coverage. The written notice which rescinds the prior rejection of such coverage shall be on a form developed by the department of insurance, financial institutions and professional registration. Any rescission shall be prospective in nature and shall entitle the member only to such benefits which accrue on or after the date the notice of rescission form is received by the insurance company.

**2. Notwithstanding any other provision of law to the contrary, beginning January 1, 2018, a shareholder of an S corporation, as defined in subsection 1 of section 143.471, with at least forty percent or greater interest in the S corporation, may individually elect to reject coverage under this chapter by providing a written notice of such rejection to the S corporation and its insurer. Failure to provide notice to the S corporation shall not be grounds for any shareholder to claim that the rejection of such coverage is not legally effective. A shareholder who elects to reject such coverage shall not thereafter be entitled to workers' compensation benefits under the policy, even if serving or working in the capacity of an employee of the S corporation, at least until such time as such shareholder provides the S corporation and its insurer with a written notice that rescinds the prior rejection of such coverage. Any rescission shall be prospective in nature and shall entitle the shareholder only to such benefits that accrue on or after the date the notice of rescission is received by the insurance company.**

**287.120. LIABILITY OF EMPLOYER SET OUT — COMPENSATION INCREASED OR REDUCED, WHEN — USE OF ALCOHOL OR CONTROLLED SUBSTANCES OR VOLUNTARY RECREATIONAL ACTIVITIES, INJURY FROM — EFFECT ON COMPENSATION — MENTAL INJURIES, REQUIREMENTS, FIREFIGHTER STRESS NOT AFFECTED. — 1.** Every employer subject to the provisions of this chapter shall be liable, irrespective of negligence, to furnish compensation under the provisions of this chapter for personal injury or death of the employee by accident or occupational disease arising out of and in the course of the employee's employment. Any employee of such employer shall not be liable for any injury or death for which compensation is recoverable under this chapter and every employer and employees of such employer shall be released from all other liability whatsoever, whether to the employee or any other person, except that an employee shall not be released from liability for injury or death if the employee engaged in an affirmative negligent act that purposefully and dangerously caused or increased the risk of injury. The term "accident" as used in this section shall include, but not be limited to, injury or death of the employee caused by the unprovoked violence or assault against the employee by any person.

2. The rights and remedies herein granted to an employee shall exclude all other rights and remedies of the employee, [his wife, her husband] **the employee's spouse**, parents, personal

representatives, dependents, heirs or next kin, at common law or otherwise, on account of such injury or death by accident or occupational disease, except such rights and remedies as are not provided for by this chapter.

3. No compensation shall be allowed under this chapter for the injury or death due to the employee's intentional self-inflicted injury, but the burden of proof of intentional self-inflicted injury shall be on the employer or the person contesting the claim for allowance.

4. Where the injury is caused by the failure of the employer to comply with any statute in this state or any lawful order of the division or the commission, the compensation and death benefit provided for under this chapter shall be increased fifteen percent.

5. Where the injury is caused by the failure of the employee to use safety devices where provided by the employer, or from the employee's failure to obey any reasonable rule adopted by the employer for the safety of employees, the compensation and death benefit provided for herein shall be reduced at least twenty-five but not more than fifty percent; provided, that it is shown that the employee had actual knowledge of the rule so adopted by the employer; and provided, further, that the employer had, prior to the injury, made a reasonable effort to cause his or her employees to use the safety device or devices and to obey or follow the rule so adopted for the safety of the employees.

6. (1) Where the employee fails to obey any rule or policy adopted by the employer relating to a drug-free workplace or the use of alcohol or nonprescribed controlled drugs in the workplace, the compensation and death benefit provided for herein shall be reduced fifty percent if the injury was sustained in conjunction with the use of alcohol or nonprescribed controlled drugs.

(2) If, however, the use of alcohol or nonprescribed controlled drugs in violation of the employer's rule or policy is the proximate cause of the injury, then the benefits or compensation otherwise payable under this chapter for death or disability shall be forfeited.

(3) The voluntary use of alcohol to the percentage of blood alcohol sufficient under Missouri law to constitute legal intoxication shall give rise to a rebuttable presumption that the voluntary use of alcohol under such circumstances was the proximate cause of the injury. A preponderance of the evidence standard shall apply to rebut such presumption. An employee's refusal to take a test for alcohol or a nonprescribed controlled substance, as defined by section 195.010, at the request of the employer shall result in the forfeiture of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.

**(4) Any positive test result for a nonprescribed controlled drug or the metabolites of such drug from an employee shall give rise to a rebuttable presumption, which may be rebutted by a preponderance of evidence, that the tested nonprescribed controlled drug was in the employee's system at the time of the accident or injury and that the injury was sustained in conjunction with the use of the tested nonprescribed controlled drug if:**

**(a) The initial testing was administered within twenty-four hours of the accident or injury;**

**(b) Notice was given to the employee of the test results within fourteen calendar days of the insurer or group self-insurer receiving actual notice of the confirmatory test results;**

**(c) The employee was given an opportunity to perform a second test upon the original sample; and**

**(d) The initial or any subsequent testing that forms the basis of the presumption was confirmed by mass spectrometry using generally accepted medical or forensic testing procedures.**

7. Where the employee's participation in a recreational activity or program is the prevailing cause of the injury, benefits or compensation otherwise payable under this chapter for death or disability shall be forfeited regardless that the employer may have promoted, sponsored or supported the recreational activity or program, expressly or impliedly, in whole or in part. The forfeiture of benefits or compensation shall not apply when:



(1) The employee was directly ordered by the employer to participate in such recreational activity or program;

(2) The employee was paid wages or travel expenses while participating in such recreational activity or program; or

(3) The injury from such recreational activity or program occurs on the employer's premises due to an unsafe condition and the employer had actual knowledge of the employee's participation in the recreational activity or program and of the unsafe condition of the premises and failed to either curtail the recreational activity or program or cure the unsafe condition.

8. Mental injury resulting from work-related stress does not arise out of and in the course of the employment, unless it is demonstrated that the stress is work related and was extraordinary and unusual. The amount of work stress shall be measured by objective standards and actual events.

9. A mental injury is not considered to arise out of and in the course of the employment if it resulted from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination or any similar action taken in good faith by the employer.

10. The ability of a firefighter to receive benefits for psychological stress under section 287.067 shall not be diminished by the provisions of subsections 8 and 9 of this section.

**287.149. BENEFITS TO BE PAID, WHEN — REDUCTION OF BENEFITS, WHEN. — 1.** Temporary total disability or temporary partial disability benefits shall be paid throughout the rehabilitative process **until the employee reaches maximum medical improvement, unless such benefits are terminated by the employee's return to work or are terminated as otherwise specified in this chapter.**

2. The permanency of the employee's disability under sections 287.170 to 287.200 shall not be established, determined or adjudicated while the employee is participating in rehabilitation services.

3. Refusal of the employee to accept rehabilitation services or submit to a vocational rehabilitation assessment as deemed necessary by the employer shall result in a fifty percent reduction in all disability payments to an employee, including temporary partial disability benefits paid pursuant to section 287.180, for each week of the period of refusal.

**287.170. TEMPORARY TOTAL DISABILITY, AMOUNT TO BE PAID — METHOD OF PAYMENT — DISQUALIFICATION, WHEN — POST INJURY MISCONDUCT DEFINED — BENEFITS NOT PAYABLE, WHEN. — 1.** For temporary total disability the employer shall pay compensation for not more than four hundred weeks during the continuance of such disability at the weekly rate of compensation in effect under this section on the date of the injury for which compensation is being made. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly

compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(5) For all injuries occurring on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week.

2. Temporary total disability payments shall be made to the claimant by check or other negotiable instruments approved by the director which will not result in delay in payment and shall be forwarded directly to the claimant without intervention, or, when requested, to claimant's attorney if represented, except as provided in section 454.517, by any other party except by order of the division of workers' compensation.

3. An employee is disqualified from receiving temporary total disability during any period of time in which the claimant applies and receives unemployment compensation.

4. If the employee is terminated from post-injury employment based upon the employee's post-injury misconduct, neither temporary total disability nor temporary partial disability benefits under this section or section 287.180 are payable. As used in this section, the phrase "post-injury misconduct" shall not include absence from the workplace due to an injury unless the employee is capable of working with restrictions, as certified by a physician.

**5. If an employee voluntarily separates from employment with an employer at a time when the employer had work available for the employee that was in compliance with any medical restriction imposed upon the employee within a reasonable degree of medical certainty as a result of the injury that is the subject of a claim for benefits under this chapter, neither temporary total disability nor temporary partial disability benefits available under this section or section 287.180 shall be payable.**

**287.200. PERMANENT TOTAL DISABILITY, AMOUNT TO BE PAID — SUSPENSION OF PAYMENTS, WHEN — TOXIC EXPOSURE, TREATMENT OF CLAIMS.** — 1. Compensation for permanent total disability shall be paid during the continuance of such disability **from the date of maximum medical improvement** for the lifetime of the employee at the weekly rate of compensation in effect under this subsection on the date of the injury for which compensation is being made. The word "employee" as used in this section shall not include the injured worker's dependents, estate, or other persons to whom compensation may be payable as provided in subsection 1 of section 287.020. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings during the year immediately preceding the injury, as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings during the year immediately preceding the injury, as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(5) For all injuries occurring on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week.

2. Permanent total disability benefits that have accrued through the date of the injured employee's death are the only permanent total disability benefits that are to be paid in accordance with section 287.230. The right to unaccrued compensation for permanent total disability of an injured employee terminates on the date of the injured employee's death in accordance with section 287.230, and does not survive to the injured employee's dependents, estate, or other persons to whom compensation might otherwise be payable.

3. All claims for permanent total disability shall be determined in accordance with the facts. When an injured employee receives an award for permanent total disability but by the use of glasses, prosthetic appliances, or physical rehabilitation the employee is restored to his **or her** regular work or its equivalent, the life payment mentioned in subsection 1 of this section shall be suspended during the time in which the employee is restored to his **or her** regular work or its equivalent. The employer and the division shall keep the file open in the case during the lifetime of any injured employee who has received an award of permanent total disability. In any case where the life payment is suspended under this subsection, the commission may at reasonable times review the case and either the employee or the employer may request an informal conference with the commission relative to the resumption of the employee's weekly life payment in the case.

4. For all claims filed on or after January 1, 2014, for occupational diseases due to toxic exposure which result in a permanent total disability or death, benefits in this chapter shall be provided as follows:

(1) Notwithstanding any provision of law to the contrary, such amount as due to the employee during said employee's life as provided for under this chapter for an award of permanent total disability and death, except such amount shall only be paid when benefits under subdivisions (2) and (3) of this subsection have been exhausted;

(2) For occupational diseases due to toxic exposure, but not including mesothelioma, an amount equal to two hundred percent of the state's average weekly wage as of the date of diagnosis for one hundred weeks paid by the employer; and

(3) In cases where occupational diseases due to toxic exposure are diagnosed to be mesothelioma:

(a) For employers that have elected to accept mesothelioma liability under this subsection, an additional amount of three hundred percent of the state's average weekly wage for two hundred twelve weeks shall be paid by the employer or group of employers such employer is a member of. Employers that elect to accept mesothelioma liability under this subsection may do so by either insuring their liability, by qualifying as a self-insurer, or by becoming a member of a group insurance pool. A group of employers may enter into an agreement to pool their liabilities under this subsection. If such group is joined, individual members shall not be required to qualify as individual self-insurers. Such group shall comply with section 287.223. In order for an employer to make such an election, the employer shall provide the department with notice of such an election in a manner established by the department. The provisions of this paragraph shall expire on December 31, 2038; or

(b) For employers who reject mesothelioma under this subsection, then the exclusive remedy provisions under section 287.120 shall not apply to such liability. The provisions of this paragraph shall expire on December 31, 2038; and

(4) The provisions of subdivision (2) and paragraph (a) of subdivision (3) of this subsection shall not be subject to suspension of benefits as provided in subsection 3 of this section; and

(5) Notwithstanding any other provision of this chapter to the contrary, should the employee die before the additional benefits provided for in subdivision (2) and paragraph (a) of subdivision (3) of this subsection are paid, the additional benefits are payable to the employee's spouse or children, natural or adopted, legitimate or illegitimate, in addition to benefits provided under section 287.240. If there is no surviving spouse or children and the employee has received less than the additional benefits provided for in subdivision (2) and paragraph (a) of subdivision (3) of this subsection the remainder of such additional benefits shall be paid as a single payment to the estate of the employee;

(6) The provisions of subdivision (1) of this subsection shall not be construed to affect the employee's ability to obtain medical treatment at the employer's expense or any other benefits otherwise available under this chapter.

5. Any employee who obtains benefits under subdivision (2) of subsection 4 of this section for acquiring asbestosis who later obtains an award for mesothelioma shall not receive more benefits than such employee would receive having only obtained benefits for mesothelioma under this section.

**287.203. TERMINATION OF COMPENSATION BY EMPLOYER, EMPLOYEE RIGHT TO HEARING — ASSESSMENT OF COSTS.** — Whenever the employer has provided compensation under section 287.170, 287.180 or 287.200, and terminates such compensation, the employer shall notify the employee of such termination and shall advise the employee of the reason for such termination. If the employee disputes the termination of such benefits, the employee may request a hearing before the division and the division shall set the matter for hearing within [sixty] **thirty** days of such request and the division shall hear the matter on the date of hearing and no continuances or delays may be granted except upon a showing of good cause or by consent of the parties. The division shall render a decision within thirty days of the date of hearing. If the division or the commission determines that any proceedings have been brought, prosecuted, or defended without reasonable grounds, the division may assess the whole cost of the proceedings upon the party who brought, prosecuted, or defended them.

**287.240. DEATH BENEFITS AND BURIAL EXPENSES, AMOUNT, TO WHOM PAID AND WHEN PAID — DEPENDENT DEFINED — DEATH BENEFITS, HOW DISTRIBUTED — RECORD OF DEPENDENTS, EMPLOYER TO KEEP — DEPENDENTS TO REPORT TO DIVISION, PROCEDURE.** — If the injury causes death, either with or without disability, the compensation therefor shall be as provided in this section:

(1) In all cases the employer shall pay direct to the persons furnishing the same the reasonable expense of the burial of the deceased employee not exceeding five thousand dollars. But no person shall be entitled to compensation for the burial expenses of a deceased employee unless he **or she** has furnished the same by authority of the widow or widower, the nearest relative of the deceased employee in the county of his **or her** death, his **or her** personal representative, or the employer, who shall have the right to give the authority in the order named. All fees and charges under this section shall be fair and reasonable, shall be subject to regulation by the division or the commission and shall be limited to such as are fair and reasonable for similar service to persons of a like standard of living. The division or the commission shall also have jurisdiction to hear and determine all disputes as to the charges. If the deceased employee leaves no dependents, the death benefit in this subdivision provided shall be the limit of the liability of the employer under this chapter on account of the death, except as herein provided for burial expenses and except as provided in section 287.140; provided that in all cases when

the employer admits or does not deny liability for the burial expense, it shall be paid within thirty days after written notice, that the service has been rendered, has been delivered to the employer. The notice may be sent by registered mail, return receipt requested, or may be made by personal delivery;

(2) The employer shall also pay to the [total] dependents of the employee a death benefit based on the employee's average weekly earnings during the year immediately preceding the injury that results in the death of the employee, as provided in section 287.250. The amount of compensation for death, which shall be paid in installments in the same manner that compensation is required to be paid under this chapter, shall be computed as follows:

(a) If the injury which caused the death occurred on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the employee's average weekly earnings during the year immediately preceding the injury; provided that the weekly compensation paid under this paragraph shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury]. If there is a total dependent, no death benefits shall be payable to partial dependents or any other persons except as provided in subdivision (1) of this section];

(b) If the injury which caused the death occurred on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the employee's average weekly earnings during the year immediately preceding the injury; provided that the weekly compensation paid under this paragraph shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury]. If there is a total dependent, no death benefit shall be payable to partial dependents or any other persons except as provided in subdivision (1) of this section];

(c) If the injury which caused the death occurred on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this paragraph shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(d) If the injury which caused the death occurred on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this paragraph shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(e) If the injury which caused the death occurred on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week;

(3) [If there are partial dependents, and no total dependents, a part of the death benefit herein provided in the case of total dependents, determined by the proportion of his contributions to all partial dependents by the employee at the time of the injury, shall be paid by the employer to each of the dependents proportionately;

(4) The word "dependent" as used in this chapter shall [be construed to] mean [a relative by blood or marriage of a deceased employee, who is actually dependent for support, in whole or in part, upon his or her wages at the time of the injury. The following persons shall be conclusively presumed to be totally dependent for support upon a deceased employee, and any death benefit shall be payable to them to the exclusion of other total dependents]:

(a) A wife upon a husband with whom she lives or who is legally liable for her support, and a husband upon a wife with whom he lives or who is legally liable for his support; provided that on the death or remarriage of a widow or widower, the death benefit shall cease unless there be other [total] dependents entitled to any death benefits under this chapter. In the event of remarriage, a lump sum payment equal in amount to the benefits due for a period of two years shall be paid to the widow or widower. Thereupon the periodic death benefits shall cease unless

there are other [total] dependents entitled to any death benefit under this chapter, in which event the periodic benefits to which such widow or widower would have been entitled had he or she not died or remarried shall be divided among such other [total] dependents and paid to them during their period of entitlement under this chapter; **or**

(b) A natural, posthumous, or adopted child or children, whether legitimate or illegitimate, **including any stepchild claimable by the deceased on his or her federal tax return at the time of injury**, under the age of eighteen years, or over that age if physically or mentally incapacitated from wage earning, upon the parent legally liable for the support or with whom he, she, or they are living at the time of the death of the parent. In case there is a wife or a husband mentally or physically incapacitated from wage earning, dependent upon a wife or husband, and a child or more than one child thus dependent, the death benefit shall be divided among them in such proportion as may be determined by the commission after considering their ages and other facts bearing on the dependency. In all other cases questions of [total or partial] **the degree of dependency** shall be determined in accordance with the facts at the time of the injury, and in such other cases if there is more than one person wholly dependent the death benefit shall be divided equally among them. The payment of death benefits to a child or other dependent as provided in this paragraph shall cease when the dependent dies, attains the age of eighteen years, or becomes physically and mentally capable of wage earning over that age, or until twenty-two years of age if the child of the deceased is in attendance and remains as a full-time student in any accredited educational institution, or if at eighteen years of age the dependent child is a member of the Armed Forces of the United States on active duty; provided, however, that such dependent child shall be entitled to compensation during four years of full-time attendance at a fully accredited educational institution to commence prior to twenty-three years of age and immediately upon cessation of his **or her** active duty in the Armed Forces, unless there are other [total] dependents entitled to the death benefit under this chapter;

[5] (4) The division or the commission may, in its discretion, order or award the share of compensation of any such child to be paid to the parent, grandparent, or other adult next of kin or conservator of the child for the latter's support, maintenance and education, which order or award upon notice to the parties may be modified from time to time by the commission in its discretion with respect to the person to whom shall be paid the amount of the order or award remaining unpaid at the time of the modification;

[6] (5) The payments of compensation by the employer in accordance with the order or award of the division or the commission shall discharge the employer from all further obligations as to the compensation;

[7] (6) All death benefits in this chapter shall be paid in installments in the same manner as provided for disability compensation;

[8] (7) Every employer shall keep a record of the correct names and addresses of the dependents of each of his **or her** employees, and upon the death of an employee by accident arising out of and in the course of his **or her** employment shall so far as possible immediately furnish the division with such names and addresses;

[9] (8) Dependents receiving death benefits under the provisions of this chapter shall annually report to the division as to marital status in the case of a widow or widower or age and physical or mental condition of a dependent child. The division shall provide forms for the making of such reports.

**287.243. LINE OF DUTY COMPENSATION — DEFINITIONS — CLAIM PROCEDURE — DISTRIBUTION — NO SUBROGATION RIGHTS FOR EMPLOYERS OR INSURERS — GRIEVANCE PROCEDURES — SUNSET DATE — FUND CREATED, USE OF MONEYS — RULEMAKING AUTHORITY.** — 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".

2. As used in this section, unless otherwise provided, the following words shall mean:

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(1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services, division of regulation and licensure, 19 CSR 30-40.005, et seq.;

(2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;

(3) **"Child", any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter who, at the time of the law enforcement officer's, emergency medical technician's, air ambulance pilot's, air ambulance registered professional nurse's, or firefighter's fatality is:**

**(a) Eighteen years of age or under;**

**(b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or**

**(c) Over eighteen years of age and incapable of self-support because of physical or mental disability;**

(4) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;

[(4)] (5) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

[(5)] (6) "Killed in the line of duty", when any person defined in this section loses his or her life when:

(a) Death is caused by an accident or the willful act of violence of another;

(b) The law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even if the individual is off duty; the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter is traveling to or from employment; or the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter is taking any meal break or other break which takes place while that individual is on duty;

(c) Death is the natural and probable consequence of the injury; and

(d) Death occurs within three hundred weeks from the date the injury was received.

The term excludes death resulting from the willful misconduct or intoxication of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication;

[(6)] (7) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

[(7)] (8) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

[8] (9) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

[9] (10) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by [the estate of] **survivors of** the deceased with the division of workers' compensation not later than one year from the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. If a claim is made within one year of the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. **Any compensation awarded under the provisions of this section shall be distributed as follows:**

(1) **To the surviving spouse of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter if there is no child who survived the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter;**

(2) **Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the surviving spouse if there is at least one child who survived the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter, and a surviving spouse of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter;**

(3) **To the surviving child, or children, in equal shares, if there is no surviving spouse of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter;**

(4) **If there is no surviving spouse of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter and no surviving child:**

(a) **To the surviving individual, or individuals, in shares per the designation or, otherwise, in equal shares, designated by the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter to receive benefits under this subsection in the most recently executed designation of beneficiary of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter on file at the time of death with the public safety agency, organization, or unit; or**

(b) **To the surviving individual, or individuals, in equal shares, designated by the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter to receive benefits under the most recently executed life insurance policy of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter on file at the time of death with the public safety agency, organization, or unit if there is no individual qualifying under paragraph (a);**

(5) **To the surviving parent, or parents, in equal shares, of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered**



professional nurse, or firefighter if there is no individual qualifying under subdivisions (1), (2), (3), or (4) of this subsection; or

(6) To the surviving individual, or individuals, in equal shares, who would qualify under the definition of the term "child" but for age if there is no individual qualifying under subdivision (1), (2), (3), (4), or (5) of this subsection.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

**When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.**

[5.] 6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

[6.] 7. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

[7.] 8. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

[8.] 9. Pursuant to 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 June 19, 2019, 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.

[9.] 10. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

[10.] 11. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. 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. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[11.] 12. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. 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 June 19, 2009, shall be invalid and void.

**287.280. EMPLOYER'S ENTIRE LIABILITY TO BE COVERED, SELF-INSURER OR APPROVED CARRIER — EXCEPTION — GROUP OF EMPLOYERS MAY QUALIFY AS SELF-INSURERS — RULES — CONFIDENTIAL RECORDS. —**

1. Every employer subject to the provisions of this chapter shall, on either an individual or group basis, insure their entire liability under the workers' compensation law; and may insure in whole or in part their employer liability, under a policy of insurance or a self-insurance plan, except as hereafter provided, with some insurance carrier authorized to insure such liability in this state, except that an employer or group of employers may themselves carry the whole or any part of the liability without insurance upon satisfying the division of their ability to do so. If an employer or group of employers have qualified to self-insure their liability under this chapter, the division of workers' compensation may, if it finds after a hearing that the employer or group of employers are willfully and intentionally violating the provisions of this chapter with intent to defraud their employees of their right to compensation, suspend or revoke the right of the employer or group of employers to self-insure their liability. If the employer or group of employers fail to comply with this section, an injured employee or his or her dependents may elect after the injury either to bring an action against such employer or group of employers to recover damages for personal injury or death and it shall not be a defense that the injury or death was caused by the negligence of a fellow servant, or that the employee had assumed the risk of the injury or death, or that the injury or death was caused to any degree by the negligence of the employee; or to recover under this chapter with the compensation payments commuted and immediately payable; or, if the employee elects to do so, he or she may file a request with the division for payment to be made for medical expenses out of the second injury fund as provided in subsection 7 of section 287.220. If the employer or group of employers are carrying their own insurance, on the application of any person entitled to compensation and on proof of default in the payment of any installment, the division shall require the employer or group of employers to furnish security for the payment of the compensation, and if not given, all other compensation shall be commuted and become immediately payable; provided, that employers engaged in the mining business shall be required to insure only their liability hereunder to the extent of the equivalent of the maximum liability under this chapter for ten deaths in any one accident, but the employer or group of employers may carry their own risk for any excess liability. When a group of employers enter into an agreement to pool their liabilities under this chapter, individual members will not be required to qualify as individual self-insurers.

2. Groups of employers qualified to insure their liability pursuant to chapter 537 or this chapter shall utilize a uniform experience rating plan promulgated by an approved advisory organization. Such groups shall develop experience ratings for their members based on the plan. Nothing in this section shall relieve an employer from remitting, without any charge to the employer, the employer's claims history to an approved advisory organization.

3. For every entity qualified to group self-insure their liability pursuant to this chapter or chapter 537, each entity shall not authorize total discounts for any individual member exceeding twenty-five percent beginning January 1, 1999. All discounts shall be based on objective quantitative factors and applied uniformly to all trust members.

4. Any group of employers that have qualified to self-insure their liability pursuant to this chapter shall file with the division premium rates, based on pure premium rate data, adjusted for loss development and loss trending as filed by the advisory organization with the department of insurance, financial institutions and professional registration pursuant to section 287.975, plus any estimated expenses and other factors or based on average rate classifications calculated by the department of insurance, financial institutions and professional registration as taken from the premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. The rate is inadequate if funds equal to the full ultimate cost of anticipated losses and loss adjustment expenses are not produced when the prospective loss costs are applied to anticipated payrolls. The provisions of this subsection shall not apply to those political subdivisions of this state that have qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 on an assessment plan. Any such group may file with the division a composite rate for all coverages provided under that section.

5. **When considering applications for new trust self-insurers, as described under 8 CSR 50-3.010, the division shall require proof of payment by each member of not less than twenty-five percent of the estimated annual premium; except that, for new members who wish to join an existing trust self-insurer during the policy year rather than at the beginning of the policy year, the division shall require proof of payment of the lesser of the estimated premium of three months or the estimated premium for the balance of the policy year.**

6. **Self-insured trusts, as described under 8 CSR 50-3.010, may invest surplus moneys from a prior trust year not needed for current obligations. Notwithstanding any provision of law to the contrary, upon approval by the division, a self-insured trust may invest up to one hundred percent of surplus moneys in securities designated by the state treasurer as acceptable collateral to secure state deposits under section 30.270.**

7. Any finding or determination made by the division under this section may be reviewed as provided in sections 287.470 and 287.480.

[6.] 8. 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.

[7.] 9. Any records submitted pursuant to this section, and pursuant to any rule promulgated by the division pursuant to this section, shall be considered confidential and not subject to chapter 610. Any party to a workers' compensation case involving the party that submitted the records shall be able to subpoena the records for use in a workers' compensation case, if the information is otherwise relevant.

**287.390. COMPROMISE SETTLEMENTS, HOW MADE — VALIDITY, EFFECT, SETTLEMENT WITH MINOR DEPENDENTS — EMPLOYEE ENTITLED TO ONE HUNDRED PERCENT OF OFFER, WHEN — MAXIMUM MEDICAL IMPROVEMENT, RATING FROM SECOND PHYSICIAN, WHEN.**

— 1. Parties to claims hereunder may enter into voluntary agreements in settlement thereof, but no agreement by an employee or his or her dependents to waive his or her rights under this chapter shall be valid, nor shall any agreement of settlement or compromise of any dispute or claim for compensation under this chapter be valid until approved by an administrative law judge or the commission, nor shall an administrative law judge or the commission approve any settlement which is not in accordance with the rights of the parties as given in this chapter. No such agreement shall be valid unless made after seven days from the date of the injury or death. An administrative law judge, or the commission, shall approve a settlement agreement as valid and enforceable as long as the settlement is not the result of undue influence or fraud, the employee fully understands his or her rights and benefits, and voluntarily agrees to accept the terms of the agreement.

2. A compromise settlement approved by an administrative law judge or the commission during the employee's lifetime shall extinguish and bar all claims for compensation for the

employee's death if the settlement compromises a dispute on any question or issue other than the extent of disability or the rate of compensation.

3. Notwithstanding the provisions of section 287.190, an employee shall be afforded the option of receiving a compromise settlement as a one-time lump sum payment. A compromise settlement approved by an administrative law judge or the commission shall indicate the manner of payment chosen by the employee.

4. A minor dependent, by parent or conservator, may compromise disputes and may enter into a compromise settlement agreement, and upon approval by an administrative law judge or the commission the settlement agreement shall have the same force and effect as though the minor had been an adult. The payment of compensation by the employer in accordance with the settlement agreement shall discharge the employer from all further obligation.

5. In any claim under this chapter where an offer of settlement is made in writing and filed with the division by the employer, an employee is entitled to one hundred percent of the amount offered, provided such employee is not represented by counsel at the time the offer is tendered. Where such offer of settlement is not accepted and where additional proceedings occur with regard to the employee's claim, the employee is entitled to one hundred percent of the amount initially offered. Legal counsel representing the employee shall receive reasonable fees for services rendered.

6. As used in this chapter, "amount in dispute" means the dollar amount in excess of the dollar amount offered or paid by the employer. An offer of settlement shall not be construed as an admission of liability.

7. (1) **In the case of compromise settlements offered after a claimant has reached maximum medical improvement, upon receipt of a permanent disability rating from the employer's physician, a claimant shall have a period of twelve months from such date to acquire a rating from a second physician of his or her own choosing.**

(2) **Absent a finding of extenuating circumstances by an administrative law judge or the commission, if after twelve months a claimant has not acquired a rating from a second physician, any compromise settlement entered into under this section shall be based upon the initial rating.**

(3) **A finding of extenuating circumstances by an administrative law judge or the commission shall require more than failure of the claimant to timely obtain a rating from a second physician.**

(4) **The provisions of this subsection may be waived by the employer with or without stating a cause.**

**287.780. DISCRIMINATION BECAUSE OF EXERCISING COMPENSATION RIGHTS PROHIBITED — CIVIL ACTION FOR DAMAGES — MOTIVATING FACTOR DEFINED. —** No employer or agent shall discharge or [in any way] discriminate against any employee for exercising any of his or her rights under this chapter **when the exercising of such rights is the motivating factor in the discharge or discrimination.** Any employee who has been discharged or discriminated against **in such manner** shall have a civil action for damages against his or her employer. **For purposes of this section, "motivating factor" shall mean that the employee's exercise of his or her rights under this chapter actually played a role in the discharge or discrimination and had a determinative influence on the discharge or discrimination.**

Approved July 5, 2017

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SB 88 [SCS SB 88]

**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 two year statute of limitation for claims of malpractice or negligence against veterinarians**

AN ACT to amend chapter 340, RSMo, by adding thereto one new section relating to actions against veterinarians.

SECTION

A. Enacting clause.  
340.285. Statute of limitations for malpractice, negligence, error, or mistake related to veterinary care of animals.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 340, RSMo, is amended by adding thereto one new section, to be known as section 340.285, to read as follows:

**340.285. STATUTE OF LIMITATIONS FOR MALPRACTICE, NEGLIGENCE, ERROR, OR MISTAKE RELATED TO VETERINARY CARE OF ANIMALS.** — All actions against veterinarians treating animals and any other entity providing veterinary services for animals, 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 the veterinary care of animals 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 animal, 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 owner of an animal in the exercise of ordinary care should have discovered such alleged negligence, whichever date occurs first; and

(2) In cases in which the act of neglect complained of is the negligent failure to inform, the action 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 owner of the animal 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, 2017. For purposes of this subdivision, the act of neglect based on the negligent failure to inform the owner of the animal of the results of medical tests shall not include the act of informing the owner of the animal of erroneous test results.

Approved June 30, 2017

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SB 95 [CCS HCS SB 95]

**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 a provision that allows counties to decrease their annual budgets**

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AN ACT to repeal sections 50.622, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof eight new sections relating to public funds.

SECTION

- A. Enacting clause.
- 50.622. Amendment of annual budget by any county during fiscal year receiving additional funds, procedure — decrease permitted, when.
- 347.740. Additional fee — expiration date.
- 351.127. Additional fee — expiration date.
- 355.023. Additional fee — expiration date.
- 356.233. Additional fee — expiration date.
- 359.653. Additional fee — expiration date.
- 400.9-528. Additional fee — expiration date.
- 417.018. Additional fee — expiration date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 50.622, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 50.622, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, to read as follows:

**50.622. AMENDMENT OF ANNUAL BUDGET BY ANY COUNTY DURING FISCAL YEAR RECEIVING ADDITIONAL FUNDS, PROCEDURE — DECREASE PERMITTED, WHEN.** — 1. Any county may amend the annual budget during any fiscal year in which the county receives additional funds, and such amount or source, including, but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.

2. Any county may decrease the annual budget twice during any fiscal year in which the county experiences a verifiable decline in funds of two percent or more, and such amount could not be estimated or anticipated when the budget was adopted, provided that any decrease in appropriations shall not unduly affect any one officeholder. Before any reduction affecting an independently elected officeholder can occur, negotiations shall take place with all officeholders who receive funds from the affected category of funds in an attempt to cover the shortfall. The county shall follow the same procedures as required in sections 50.525 to 50.745 to decrease the annual budget, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this subsection. Such notice shall include a published summary of the proposed reductions and an explanation of the shortfall.

3. Any decrease in an appropriation authorized under subsection 2 of this section shall not impact any dedicated fund otherwise provided by law.

4. County commissioners may reduce budgets of departments under their direct supervision and responsibility at any time without the restrictions imposed by this section.

5. Subsections 2, 3, and 4 of this section shall expire on July 1, [2016] **2027**.

6. Notwithstanding the provisions of this section, no charter county shall be restricted from amending its budget under and pursuant to the terms of its charter.

**347.740. ADDITIONAL FEE — EXPIRATION DATE.** — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2017] **2021**.

**351.127. ADDITIONAL FEE — EXPIRATION DATE.** — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter, provided that the

secretary of state may collect an additional fee of ten dollars on each corporate registration report fee filed under section 351.122. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2017] **2021**.

**355.023. ADDITIONAL FEE — EXPIRATION DATE.** — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2017] **2021**.

**356.233. ADDITIONAL FEE — EXPIRATION DATE.** — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2017] **2021**.

**359.653. ADDITIONAL FEE — EXPIRATION DATE.** — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2017] **2021**.

**400.9-528. ADDITIONAL FEE — EXPIRATION DATE.** — The secretary of state may collect an additional fee of five dollars on each and every fee paid to the secretary of state as required in chapter 400.9. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2017] **2021**.

**417.018. ADDITIONAL FEE — EXPIRATION DATE.** — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2017] **2021**.

Approved July 7, 2017

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SB 108 [SCS SB 108]

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

**Grants reemployment rights to members of the military**

AN ACT to repeal section 40.490, RSMo, and to enact in lieu thereof one new section relating to reemployment rights for certain members of the military.

SECTION

- A. Enacting clause.
- 40.490. Reemployment rights of persons ordered to active duty — attorney general to enforce rights.

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

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**SECTION A. ENACTING CLAUSE.** — Section 40.490, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 40.490, to read as follows:

**40.490. REEMPLOYMENT RIGHTS OF PERSONS ORDERED TO ACTIVE DUTY — ATTORNEY GENERAL TO ENFORCE RIGHTS.** — Members of the state military forces of this state who are ordered to active state duty by the governor, **any Missouri employee who is a member of the national guard of another state and who is called into active state duty by the governor of that state, or any member of any reserve component of the Armed Forces of the United States who is called to active duty** shall, upon being relieved from such duty, be entitled to the same reemployment rights provided by Title 38 of the United States Code, the Revised Statutes of Missouri, and all amendments thereto. The attorney general shall enforce the reemployment rights contained in this section for members of the state military forces who are ordered to active state duty by the governor.

Approved June 14, 2017

SB 111 [CCS HCS SB 111]

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

**Changes the law regarding public administrators**

AN ACT to repeal sections 108.170, 115.306, 135.963, 347.048, 473.730, 473.743, 473.747, and 475.120, RSMo, and to enact in lieu thereof seven new sections relating to political subdivisions.

**SECTION**

- A. Enacting clause.
- 108.170. Bonds, notes and other evidences of indebtedness, forms — rate — municipal advisor — sales price — exceptions — agreements for purchase of commodities.
- 115.306. Disqualification as candidate for elective public office, when — filing of affidavit, contents — tax delinquency, effect of.
- 135.963. Improvements exempt, when — authorizing resolution, contents — public hearing required, notice — certain property exempt from ad valorem taxes, duration — time period — property affected — assessor's duties.
- 347.048. Affidavit filing required for certain limited liability companies — fees prohibited — failure to file, remedy.
- 473.730. Public administrators — qualifications — election — oath — bond — public administrator deemed public office, duties — salaried public administrators deemed county officials — City of St. Louis, appointments of administrators.
- 473.743. Duty of public administrator to take charge of estates, when.
- 475.120. General powers and duties of guardian of the person — social service agency acting on behalf of ward, requirements — preneed funeral contract permitted, when.
- 473.747. Public administrator shall be ex officio public conservator.

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

**SECTION A. ENACTING CLAUSE.** — Sections 108.170, 115.306, 135.963, 347.048, 473.730, 473.743, 473.747, and 475.120, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 108.170, 115.306, 135.963, 347.048, 473.730, 473.743, and 475.120, to read as follows:

**108.170. BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS, FORMS — RATE — MUNICIPAL ADVISOR — SALES PRICE — EXCEPTIONS — AGREEMENTS FOR PURCHASE OF**



**COMMODITIES.**— 1. Notwithstanding any other provisions of any law or charter to the contrary, any issue of bonds, notes, or other evidences of indebtedness, including bonds, notes, or other evidences of indebtedness payable solely from revenues derived from any revenue-producing facility, hereafter issued under any law of this state by any county, city, town, village, school district, educational institution, drainage district, levee district, nursing home district, hospital district, library district, road district, fire protection district, water supply district, sewer district, housing authority, land clearance for redevelopment authority, special authority created under section 64.920, authority created pursuant to the provisions of chapter 238, or other municipality, political subdivision or district of this state shall be negotiable, may be issued in bearer form or registered form with or without coupons to evidence interest payable thereon, may be issued in any denomination, and may bear interest at a rate not exceeding ten percent per annum, and may be sold, at any sale, at the best price obtainable, not less than ninety-five percent of the par value thereof, anything in any proceedings heretofore had authorizing such bonds, notes, or other evidence of indebtedness, or in any law of this state or charter provision to the contrary notwithstanding. Such issue of bonds, notes, or other evidence of indebtedness may bear interest at a rate not exceeding fourteen percent per annum if sold at public sale after giving reasonable notice of such sale, at the best price obtainable, not less than ninety-five percent of the par value thereof; provided, that such bonds, notes, or other evidence of indebtedness may be sold to any agency or corporate or other instrumentality of the state of Missouri or of the federal government at private sale at a rate not exceeding fourteen percent per annum. **If a political subdivision has an unenhanced bond rating of AA+ or higher, or comparable rating, on its outstanding general obligation bonds or is proposing to issue general obligation bonds with an unenhanced bond rating of AA+ or higher, or comparable rating, the new issue of general obligation bonds shall be issued through a competitive process unless the political subdivision employs the services of a municipal advisor, in which case the political subdivision may use a negotiated or competitive process, except that such requirements shall not apply to any general obligation bonds:**

**(1) Sold, pursuant to written agreement, to the government of the United States of America or of the state of Missouri or to any bureau, department, body corporate, instrumentality, or agency of the United State of America or the state of Missouri;**

**(2) Where the principal amount of the bonds issued does not exceed twelve million five hundred thousand dollars; or**

**(3) That are issued or are part of an issue issued to refinance a prior issue of general obligation indebtedness or which are issued contemporaneously with any such issue of refunding bonds; provided, the refunding bonds shall not exceed the principal of the outstanding indebtedness to be refunded and the accrued interest to the date of such refunding bonds.**

**A municipal advisor shall not be allowed to profit financially or otherwise, either directly or indirectly, from the underwriter of a negotiated bond issuance.**

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, the sale of bonds, notes, or other evidence of indebtedness issued by the state board of public buildings created under section 8.010, the state board of fund commissioners created under section 33.300, any port authority created under section 68.010, the bi-state metropolitan development district authorized under section 70.370, any special business district created under section 71.790, any county, as defined in section 108.465, exercising the powers granted by sections 108.450 to 108.470, the industrial development board created under section 100.265, any planned industrial expansion authority created under section 100.320, the higher education loan authority created under section 173.360, the Missouri housing development commission created under section 215.020, the state environmental improvement and energy resources authority created under section 260.010, the agricultural and small business development authority created under section 348.020, any industrial development corporation created under section 349.035, or the health and

educational facilities authority created under section 360.020 shall, with respect to the sales price, manner of sale and interest rate, be governed by the specific sections applicable to each of these entities.

**3. Any person who is engaged as a municipal advisor by a political corporation or subdivision with respect to a particular issue of securities shall be independent of the underwriter of that issue of securities. For the purposes of this section, "municipal advisor" shall be either:**

**(1) A person registered as a municipal advisor under the rules of the United States Securities and Exchange Commission; or**

**(2) A person who is a chief financial officer of a school district and either is a:**

**(a) A certified public accountant; or**

**(b) Has masters of business administration and is certified as an administrator of school finance and operations by the Association of School Business Officials International.**

**For the purposes of this subsection, "independent" shall have the same meaning as defined by the rules of the United States Securities and Exchange Commission. In determining the individuals or entities that may serve as a municipal advisor, nothing in this section shall be construed to be more restrictive than the definition of a municipal advisor as established by the United States Securities and Exchange Commission.**

**4. Notwithstanding other provisions of this section or other law, the sale of bonds, notes or other evidence of indebtedness issued by any housing authority created under section 99.040 may be sold at any sale, at the best price obtainable, not less than ninety-five percent of the par value thereof, and may bear interest at a rate not exceeding fourteen percent per annum. The sale shall be a public sale unless the issuing jurisdiction adopts a resolution setting forth clear justification why the sale should be a private sale except that private activity bonds may be sold either at public or private sale.**

**[4.] 5. Notwithstanding other provisions of this section or law, industrial development revenue bonds may be sold at private sale and bear interest at a rate not exceeding fourteen percent per annum at the best price obtainable, not less than ninety-five percent of the par value thereof.**

**[5.] 6. Notwithstanding other provisions in subsection 1 of this section to the contrary, revenue bonds issued for airport purposes by any constitutional charter city in this state which now has or may hereafter acquire a population of more than three hundred thousand but less than six hundred thousand inhabitants, according to the last federal decennial census, may bear interest at a rate not exceeding fourteen percent per annum if sold at public sale after giving reasonable notice, at the best price obtainable, not less than ninety-five percent of the par value thereof.**

**[6.] 7. For purposes of the interest rate limitations set forth in this section, the interest rate on bonds, notes or other evidence of indebtedness described in this section means the rate at which the present value of the debt service payments on an issue of bonds, notes or other evidence of indebtedness, discounted to the date of issuance, equals the original price at which such bonds, notes or other evidence of indebtedness are sold by the issuer. Interest on bonds, notes or other evidence of indebtedness may be paid periodically at such times as shall be determined by the governing body of the issuer and may be compounded in accordance with section 408.080.**

**[7.] 8. Notwithstanding any provision of law or charter to the contrary:**

**(1) Any entity referenced in subsection 1 or 2 of this section and any other political corporation of the state which entity or political corporation has an annual operating budget for the current year exceeding twenty-five million dollars may, in connection with managing the cost to such entity or political corporation of purchasing fuel, electricity, natural gas, and other commodities used in the ordinary course of its lawful operations, enter into agreements providing for fixing the cost of such commodity, including without limitation agreements commonly**

referred to as hedges, futures, and options; provided that as of the date of such agreement, such entity or political corporation shall have complied with subdivision (3) of this subsection; and further provided that no eligible school, as defined in section 393.310, shall be authorized by this subsection to enter into such agreements in connection with the purchase of natural gas while the tariffs required under section 393.310 are in effect;

(2) Any entity referenced in subsection 1 or 2 of this section and any other political corporation of the state may, in connection with its bonds, notes, or other obligations then outstanding or to be issued and bearing interest at a fixed or variable rate, enter into agreements providing for payments based on levels of or changes in interest rates, including without limitation certain derivative agreements commonly referred to as interest rate swaps, hedges, caps, floors, and collars, provided that:

(a) As of the date of issuance of the bonds, notes, or other obligations to which such agreement relates, such entity or political corporation will have bonds, notes, or other obligations outstanding in an aggregate principal amount of at least fifty million dollars; and

(b) As of the date of such agreement, such entity's or political corporation's bonds, notes, or other obligations then outstanding or to be issued have received a stand-alone credit rating in one of the two highest categories, without regard to any gradation within such categories, from at least one nationally recognized credit rating agency, or such entity or political corporation has an issuer or general credit rating, in one of the two highest categories, without regard to any gradation within such categories, from at least one nationally recognized credit rating agency; and

(c) As of the date of such agreement, such entity or political corporation shall have complied with subdivision (3) of this subsection;

(3) Prior to entering into any agreements pursuant to subdivision (1) or (2) of this subsection, the governing body of the entity or political corporations entering into such agreements shall have adopted a written policy governing such agreements. Such policy shall be prepared by integrating the recommended practices published by the Government Finance Officers Association or comparable nationally recognized professional organization and shall provide guidance with respect to the permitted purposes, authorization process, mitigation of risk factors, ongoing oversight responsibilities, market disclosure, financial strategy, and any other factors in connection with such agreements determined to be relevant by the governing body of such entity or political corporation. Such entity or political corporation may enter into such agreements at such times and such agreements may contain such payment, security, default, remedy, and other terms and conditions as shall be consistent with the written policy adopted under this subdivision and as may be approved by the governing body of such entity or other obligated party, including any rating by any nationally recognized rating agency and any other criteria as may be appropriate;

(4) Nothing in this subsection shall be applied or interpreted to authorize any such entity or political corporation to enter into any such agreement for investment purposes or to diminish or alter the special or general power any such entity or political corporation may otherwise have under any other provisions of law including the special or general power of any interstate transportation authority.

**9. The state treasurer shall make available to municipalities, political subdivisions, or districts listed under subsection 1 of this section relevant information regarding debt issuance and bidding processes, including best practices resources published by a national association of government finance officers on debt issuance, to aid such entities with the process of issuing debt and awarding bonds to the best bidder.**

**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.

**135.963. IMPROVEMENTS EXEMPT, WHEN — AUTHORIZING RESOLUTION, CONTENTS — PUBLIC HEARING REQUIRED, NOTICE — CERTAIN PROPERTY EXEMPT FROM AD VALOREM TAXES, DURATION — TIME PERIOD — PROPERTY AFFECTED — ASSESSOR'S DUTIES. — 1.** Improvements made to real property as such term is defined in section 137.010 which are made in an enhanced enterprise zone subsequent to the date such zone or expansion thereto was designated may, upon approval of an authorizing resolution or ordinance by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. Improvements made to real property, as such term is defined in section 137.010, which are locally assessed and in a renewable energy generation zone designated as an enhanced enterprise zone, subsequent to the date such enhanced enterprise zone or expansion thereto was designated, may, upon approval of an authorizing resolution or ordinance by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. In addition to enhanced business enterprises, a

speculative industrial or warehouse building constructed by a public entity or a private entity if the land is leased by a public entity may be subject to such exemption.

2. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy of the resolution shall be provided to the director within thirty calendar days following adoption of the resolution by the governing authority.

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enhanced enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings as indicated in subsection 1 of this section shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof, if said political subdivision or municipality levies ad valorem taxes, for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for enhanced business enterprises. The exemption for speculative buildings is subject to the approval of the governing authority for a period not to exceed two years if the building is owned by a private entity and five years if the building is owned or ground leased by a public entity. This shall not preclude the building receiving an exemption for the remaining time period established by the governing authority if it was occupied by an enhanced business enterprise. The two- and five-year time periods indicated for speculative buildings shall not be an addition to the local abatement time period for such facility.

5. No exemption shall be granted for a period more than twenty-five years [following the date on which the original enhanced enterprise zone was designated by the department], **provided, however, that during the ten years prior to the expiration of an enhanced enterprise zone no exemption shall be granted for a period of more than ten years.**

6. The provisions of subsection 1 of this section shall not apply to improvements made to real property begun prior to August 28, 2004.

7. The abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042 and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, subdivision (2) of subsection 3 of section 99.957, or subdivision (2) of subsection 3 of section 99.1042 unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027.

**347.048. AFFIDAVIT FILING REQUIRED FOR CERTAIN LIMITED LIABILITY COMPANIES — FEES PROHIBITED — FAILURE TO FILE, REMEDY. — 1. (1)** Any limited liability company that owns and rents or leases real property, or owns unoccupied real property, located within:

**(a)** Any home rule city with a population of more than four hundred thousand inhabitants which is located in more than one county[.]; **or**

**(b)** Any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants; shall file with that city's clerk an affidavit listing the name and **street** address of at least one **natural** person who has management control and

responsibility for the real property owned and leased or rented by the limited liability company, or owned by the limited liability company and unoccupied.

**(2) Within thirty days following the cessation of management control and responsibility of any natural person named in an affidavit described in this section, the limited liability company shall file a successor affidavit listing the name and street address of a natural person successor.**

**2. No limited liability company shall be charged a fee for filing an affidavit or successor affidavit required under this section.**

**3. If a limited liability company required by this section to file an affidavit or a successor affidavit fails or refuses to file such completed affidavit with the appropriate clerk, any person who is adversely affected by the failure or refusal or the home rule city may petition the circuit court in the county where the property is located to direct the execution and filing of such document.**

**473.730. PUBLIC ADMINISTRATORS — QUALIFICATIONS — ELECTION — OATH — BOND — PUBLIC ADMINISTRATOR DEEMED PUBLIC OFFICE, DUTIES — SALARIED PUBLIC ADMINISTRATORS DEEMED COUNTY OFFICIALS — CITY OF ST. LOUIS, APPOINTMENTS OF ADMINISTRATORS. — 1.** Every county in this state, except the City of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator's county. A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes. **Each candidate for public administrator shall provide to the election authority a copy of a signed affidavit from a surety company, indicating that the candidate meets the bond requirements for the office of public administrator under this section. The secretary of state shall notify each election authority of the requirements of this section. The secretary of state will provide the necessary forms to assure compliance of the requirements of this section.**

**2.** Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with [two] **one** or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

[2.] **3.** The public administrator in all counties, in the performance of the duties required by chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

[3.] **4.** After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, subject to the minimum salary requirements set forth in section 473.742.

[4.] **5.** The public administrator for the city of St. Louis shall be appointed by a majority of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such public administrator shall meet the same qualifications and requirements specified in

subsection 1 of this section for elected public administrators. The elected public administrator holding office on August 28, 2013, shall continue to hold such office for the remainder of his or her term.

**473.743. DUTY OF PUBLIC ADMINISTRATOR TO TAKE CHARGE OF ESTATES, WHEN. — Upon appointment by the probate court,** it shall be the duty of the public administrator to take into his or her charge and custody the estates of all deceased persons, and the [person and] estates of all minors, and the estates or person and estate of all incapacitated persons in his or her county, in the following cases:

- (1) When a stranger dies intestate in the county without relations, or dies leaving a will, and the personal representative named is absent, or fails to qualify;
- (2) When persons die intestate without any known heirs;
- (3) When persons unknown die or are found dead in the county;
- (4) When money, property, papers or other estate are left in a situation exposed to loss or damage, and no other person administers on the same;
- (5) When any estate of any person who dies intestate therein, or elsewhere, is left in the county liable to be injured, wasted or lost, when the intestate does not leave a known husband, widow or heirs in this state;
- (6) [The persons of all minors under the age of fourteen years, whose parents are dead, and who have no legal guardian or conservator;
- (7)] The estates of all minors whose parents are dead, or, if living, refuse or neglect to qualify as conservator, or, having qualified have been removed, or are, from any cause, incompetent to act as such conservator, and who have no one authorized by law to take care of and manage their estate;
- [8)] (7) The estates or person and estate of all disabled or incapacitated persons in his or her county who have no legal guardian or conservator, and no one competent to take charge of such estate, or to act as such guardian or conservator, can be found, or is known to the court having jurisdiction, who will qualify;
- [9)] (8) Where from any other good cause, the court shall order him to take possession of any estate to prevent its being injured, wasted, purloined or lost;
- (10) When moneys are delivered to the public administrator from the county coroner;
- (11)] (9) The public administrator shall act as trustee when appointed by the circuit court or the probate division of the circuit court.

**475.120. GENERAL POWERS AND DUTIES OF GUARDIAN OF THE PERSON — SOCIAL SERVICE AGENCY ACTING ON BEHALF OF WARD, REQUIREMENTS — PRENEED FUNERAL CONTRACT PERMITTED, WHEN. — 1.** The guardian of the person of a minor shall be entitled to the custody and control of the ward and shall provide for the ward's education, support and maintenance.

2. A guardian or limited guardian of an incapacitated person shall act in the best interest of the ward. A limited guardian of an incapacitated person shall have the powers and duties enumerated by the court in the adjudication order or any later modifying order.

3. The general powers and duties of a guardian of an incapacitated person shall be to take charge of the person of the ward and to provide for the ward's care, treatment, habilitation, education, support and maintenance; and the powers and duties shall include, but not be limited to, the following:

- (1) Assure that the ward resides in the best and least restrictive setting reasonably available;
- (2) Assure that the ward receives medical care and other services that are needed;
- (3) Promote and protect the care, comfort, safety, health, and welfare of the ward;
- (4) Provide required consents on behalf of the ward;
- (5) To exercise all powers and discharge all duties necessary or proper to implement the provisions of this section.

4. A guardian of an adult or minor ward is not obligated by virtue of such guardian's appointment to use the guardian's own financial resources for the support of the ward. If the ward's estate and available public benefits are inadequate for the proper care of the ward, the guardian or conservator may apply to the county commission pursuant to section 475.370.

5. No guardian of the person shall have authority to seek admission of the guardian's ward to a mental health or intellectual disability facility for more than thirty days for any purpose without court order except as otherwise provided by law.

6. Only the director or chief administrative officer of a social service agency serving as guardian of an incapacitated person, or such person's designee, is legally authorized to act on behalf of the ward.

7. A social service agency serving as guardian of an incapacitated person shall notify the court within fifteen days after any change in the identity of the professional individual who has primary responsibility for providing guardianship services to the incapacitated person.

8. Any social service agency serving as guardian may not provide other services to the ward.

**9. In the absence of any written direction from the ward to the contrary, a guardian may execute a preneed contract for the ward's funeral services, including cremation, or an irrevocable life insurance policy to pay for the ward's funeral services, including cremation, and authorize the payment of such services from the ward's resources. Nothing in this section shall interfere with the rights of next-of-kin to direct the disposition of the body of the ward upon death under section 194.119. If a preneed arrangement such as that authorized by this subsection is in place and no next-of-kin exercises the right of sepulcher within ten days of the death of the ward, the guardian may sign consents for the disposition of the body, including cremation, without any liability therefor. A guardian who exercises the authority granted in this subsection shall not be personally financially responsible for the payment of services.**

[473.747. PUBLIC ADMINISTRATOR SHALL BE EX OFFICIO PUBLIC CONSERVATOR. — The public administrator shall be ex officio public conservator and shall have charge of all estates of minors that may, by the order of the court, be placed in the public administrator's charge, and in such cases the public administrator shall be known and designated as public conservator.]

Approved July 11, 2017

SB 112 [CCS#2 HCS SCS SB 112]

**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 political subdivisions**

AN ACT to repeal sections 50.622, 50.740, 54.040, 54.261, 68.075, 94.900, 94.902, 105.145, 139.100, 182.640, 182.660, 233.295, 242.460, 243.350, 245.185, 321.242, 321.246, 393.1075, 473.730, 473.743, 473.747, and 475.120, RSMo, and to enact in lieu thereof twenty-four new sections relating to political subdivisions, with a penalty provision.

**SECTION**

- A. Enacting clause.  
50.622. Amendment of annual budget by any county during fiscal year receiving additional funds, procedure— decrease permitted, when.



- 50.740. Commission to revise and amend estimates (counties of the third and fourth classification).
- 54.040. Qualifications of county treasurer.
- 54.261. Compensation — training program, attendance required, when, expenses, compensation — vacancy, procedure (counties of the second, third and fourth classification and Clay County).
- 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.
- 84.514. Homeland security and disaster communications, appointment of lieutenant colonel, responsibilities.
- 94.900. Sales tax authorized — proceeds to be used for public safety purposes — ballot language — collection of tax, procedure.
- 94.902. Sales tax authorized for certain cities (Gladstone, Grandview, Liberty, North Kansas City, Raytown, and certain other fourth class cities) — ballot, effective date — administration and collection — refunds, use of funds upon establishment of tax — repeal — automatic expiration date, when.
- 94.903. Sales tax authorized — ballot — administration and collection — refunds — repeal of tax, ballot — continuation of tax, ballot.
- 105.145. Political subdivisions to make annual report of financial transactions to state auditor — state auditor to report violations — collection of fines, exemption.
- 139.100. Collection of penalty for delinquent taxes — settlement — penalty for violation — payment of taxes by mail deemed paid, when.
- 182.640. Board of trustees — how appointed, grounds for removal, vacancies how filled — librarian to be appointed.
- 182.660. May incorporate other public library districts — petition, notice — transfer of property, when.
- 233.295. Dissolution of road district — petition — notice — disincorporation of district — combining of districts, procedure (Christian, Jasper and Barry counties).
- 242.460. Levy of annual installment of tax — form of tax certificate.
- 243.350. Apportionment of annual installments — drainage tax book, form — taxes due, when.
- 245.185. Annual installment of tax to be levied — when due — form of certificate of tax.
- 321.242. Additional sales tax, certain cities — ballot, form — fire protection sales tax trust fund, deposit of funds — abolition of tax, procedure — dissolution of district, effect.
- 321.246. Fire protection districts, sales tax authorized for districts within certain counties and cities — ballot contents — trust fund — collection by director of revenue — refunds.
- 393.1075. Citation of law — definitions — policy to value demand-side investments equal to traditional investments — development of cost recovery mechanisms — costs not to be assigned to customers, when — rulemaking authority — annual report — certain charges to appear on bill.
- 473.730. Public administrators — qualifications — election — oath — bond — public administrator deemed public office, duties — salaried public administrators deemed county officials — City of St. Louis, appointments of administrators.
- 473.743. Duty of public administrator to take charge of estates, when.
- 475.120. General powers and duties of guardian of the person — social service agency acting on behalf of ward, requirements — preneed funeral contract permitted, when.
1. Director of DNR authorized to convey property in City of Independence, Jackson County.
- 473.747. Public administrator shall be ex officio public conservator.

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

**SECTION A. ENACTING CLAUSE.** — Sections 50.622, 50.740, 54.040, 54.261, 68.075, 94.900, 94.902, 105.145, 139.100, 182.640, 182.660, 233.295, 242.460, 243.350, 245.185, 321.242, 321.246, 393.1075, 473.730, 473.743, 473.747, and 475.120, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 50.622, 50.740, 54.040, 54.261, 68.075, 84.514, 94.900, 94.902, 94.903, 105.145, 139.100, 182.640, 182.660, 233.295, 242.460, 243.350, 245.185, 321.242, 321.246, 393.1075, 473.730, 473.743, and 475.120, and 1, to read as follows:

**50.622. AMENDMENT OF ANNUAL BUDGET BY ANY COUNTY DURING FISCAL YEAR RECEIVING ADDITIONAL FUNDS, PROCEDURE — DECREASE PERMITTED, WHEN.** — 1. Any county may amend the annual budget during any fiscal year in which the county receives additional funds, and such amount or source, including, but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.

2. Any county may decrease the annual budget twice during any fiscal year in which the county experiences a verifiable decline in funds of two percent or more, and such amount could

not be estimated or anticipated when the budget was adopted, provided that any decrease in appropriations shall not unduly affect any one officeholder. Before any reduction affecting an independently elected officeholder can occur, negotiations shall take place with all officeholders who receive funds from the affected category of funds in an attempt to cover the shortfall. The county shall follow the same procedures as required in sections 50.525 to 50.745 to decrease the annual budget, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this subsection. Such notice shall include a published summary of the proposed reductions and an explanation of the shortfall.

3. Any decrease in an appropriation authorized under subsection 2 of this section shall not impact any dedicated fund otherwise provided by law.

4. County commissioners may reduce budgets of departments under their direct supervision and responsibility at any time without the restrictions imposed by this section.

5. Subsections 2, 3, and 4 of this section shall expire on July 1, [2016] 2027.

6. Notwithstanding the provisions of this section, no charter county shall be restricted from amending its budget under and pursuant to the terms of its charter.

**50.740. COMMISSION TO REVISE AND AMEND ESTIMATES (COUNTIES OF THE THIRD AND FOURTH CLASSIFICATION).** — 1. It is hereby made the first duty of the county commission in counties of classes three and four at its regular January term to go over the estimates and revise and amend the same in such way as to promote efficiency and economy in county government. The commission may alter or change any estimate as public interest may require and to balance the budget, first giving the person preparing supporting data an opportunity to be heard. After the county commission shall have revised the estimate it shall be the duty of the clerk of said commission forthwith to enter such revised estimate on the record of the said commission and the commission shall forthwith enter thereon its approval.

2. The county clerk shall within five days after the date of approval of such budget estimate file a certified copy thereof with the county treasurer, taking a receipt therefor, and he shall also forward a certified copy thereof to the state auditor by registered mail **or by electronic means under subsection 4 of this section.** The county treasurer shall not pay nor enter protest on any warrant except payroll for the current year until such budget estimate shall have been so filed. If any county treasurer shall pay or enter for protest any warrant except payroll before the budget estimate shall have been filed, as by sections 50.525 to 50.745 provided, the county treasurer shall be liable on the official bond for such act. Immediately upon receipt of the estimated budget the state auditor shall send to the county clerk the receipt therefor by registered mail **or by electronic means under subsection 4 of this section.**

3. Any order of the county commission of any county authorizing or directing the issuance of any warrant contrary to any provision of this law shall be void and of no binding force or effect; and any county clerk, county treasurer, or other officer participating in the issuance or payment of any such warrant shall be liable therefor upon the official bond.

**4. For the purposes of fulfilling their respective requirements under subsection 2 of this section, the county clerk and state auditor may correspond with the other by email or other electronic system established by the state auditor for that purpose.**

**54.040. QUALIFICATIONS OF COUNTY TREASURER.** — [1.] Except in a county with a charter form of government, a candidate for county treasurer shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and real estate taxes. Upon election to such office, the person shall continue to reside in that county during his or her tenure in office. Each candidate for county treasurer shall also provide to the election authority a copy of a signed affidavit from a surety company authorized to do business in this state

indicating that the candidate meets the bond requirements for the office of county treasurer under this chapter.

[2. No sheriff, marshal, clerk or collector, or the deputy of any such officer, shall be eligible to the office of treasurer of any county.]

**54.261. COMPENSATION — TRAINING PROGRAM, ATTENDANCE REQUIRED, WHEN, EXPENSES, COMPENSATION — VACANCY, PROCEDURE (COUNTIES OF THE SECOND, THIRD AND FOURTH CLASSIFICATION AND CLAY COUNTY).** — 1. The county treasurer in counties of the first classification, not having a charter form of government and containing a portion of a city with a population of three hundred thousand or more, and in counties of the second, third and fourth classifications of this state, shall receive as compensation for services performed by the treasurer an annual salary based upon the assessed valuation of the county. The provisions of this section shall not permit or require a reduction, nor shall require an increase, in the amount of compensation being paid for the office of treasurer on January 1, 2002.

2. The amount of salary based upon assessed valuation shall be computed according to the following schedule:

Assessed Valuation	Salary \$
18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 or more	45,000

3. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer only if the treasurer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the treasurer's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer who completes the training program and shall send a list of certified treasurers to the county commission of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county treasurer in the same manner as other expenses as may be appropriated for that purpose.

4. The county treasurer in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the commission, receive an annual compensation in an amount less than the total compensation being received for the office of county treasurer in the particular county for services rendered or performed on the date the salary commission votes.

5. In the event of a vacancy due to death, resignation, or otherwise in the office of treasurer in any county except a county with a charter form of government, and when there is no deputy treasurer, the county commission shall appoint a qualified acting treasurer until such time as the vacancy is filled by the governor pursuant to section 105.030 or the elected treasurer returns to work. The county commission shall employ and fix the compensation of clerical and other assistants necessary to enable the interim treasurer to efficiently perform the duties of the office.

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

(3) "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] county 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, **ownership, or control** 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 **or under the port authority's ownership or control and may be expanded or contracted by resolution of the port authority board of commissioners.**

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 **revenue** 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.

**84.514. HOMELAND SECURITY AND DISASTER COMMUNICATIONS, APPOINTMENT OF LIEUTENANT COLONEL, RESPONSIBILITIES.** — **The chief of police, with the approval of the board, may appoint a police officer to serve as lieutenant colonel on matters relating to homeland security and disaster communications. Notwithstanding the provisions of section 84.510 to the contrary, such position shall be a new position and in addition to the number of lieutenant colonels authorized under section 84.510. The lieutenant colonel authorized under this section shall be responsible for matters relating to homeland security and disaster communications as determined by the chief and be entitled to the same rank, privileges, and compensation afforded all other lieutenant colonels within the department.**

**94.900. SALES TAX AUTHORIZED — PROCEEDS TO BE USED FOR PUBLIC SAFETY PURPOSES — BALLOT LANGUAGE — COLLECTION OF TAX, PROCEDURE.** — 1. (1) The governing body of the following cities may impose a tax as provided in this section:

(a) Any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants;

(b) **Any city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants;**

(c) Any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

[(c) Any city of the fourth classification with more than two thousand six hundred but fewer than two thousand seven hundred inhabitants and located in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants;]

(d) Any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants;

(e) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants;

(f) **Any city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants; or**

(g) **Any city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants.**

(2) The governing body of any city listed in subdivision (1) of this subsection is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525 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 by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of 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.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of \_\_\_\_\_ (city's name) impose a citywide sales tax of \_\_\_\_\_  
 (insert amount) 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 submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. 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 proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. 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, 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 of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to 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 of the department of revenue 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.

6. The director of the department of revenue may 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 department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department 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 city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city.

The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

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

**94.902. SALES TAX AUTHORIZED FOR CERTAIN CITIES (GLADSTONE, GRANDVIEW, LIBERTY, NORTH KANSAS CITY, RAYTOWN, AND CERTAIN OTHER FOURTH CLASS CITIES) — BALLOT, EFFECTIVE DATE — ADMINISTRATION AND COLLECTION — REFUNDS, USE OF FUNDS UPON ESTABLISHMENT OF TAX — REPEAL — AUTOMATIC EXPIRATION DATE, WHEN..**

— 1. The governing 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;

(2) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants;

(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;

**(6) Any city of the fourth classification with more than nine thousand five hundred but fewer than ten thousand eight hundred inhabitants; or**

**(7) Any city of the fourth classification with more than five hundred eighty but fewer than six hundred fifty 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.

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.

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.

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.

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.

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.

**8. Any sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section that is in effect as of December 31, 2038, shall automatically expire. No city described under subdivision (6) of subsection 1 of this section shall collect a sales tax pursuant to this section on or after January 1, 2039. Subsection 7 of this section shall not apply to a sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section.**

**9.** Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

**94.903. SALES TAX AUTHORIZED — BALLOT — ADMINISTRATION AND COLLECTION — REFUNDS — REPEAL OF TAX, BALLOT — CONTINUATION OF TAX, BALLOT. — 1.** The governing body of any city of the fourth classification with more than nine thousand five hundred but fewer than ten thousand eight hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city that are subject to taxation under chapter 144. The tax authorized under 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 public safety employee salaries and benefits, and facilities for police, fire, and emergency medical providers. The tax authorized under 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.** The ballot language for the tax authorized under this section shall be in substantially the following form:

Shall the city of ..... (insert name of city) impose a citywide sales tax at a rate of ..... (insert rate) percent for the purpose of improving the public safety of the city?

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 order or ordinance 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 resubmitted to the voters sooner than twelve months from the date of the first proposal under this section. If the resubmitted proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized, and the authorization under this section is terminated.

**3.** Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required under section 32.087. All sales taxes collected by the director 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, moneys 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 moneys in the trust fund and the amount that 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. No 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 that 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. The director of revenue may 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 repeals 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 to the city.

5. The governing body of any city that has adopted the sales tax authorized under 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 language shall be in substantially the following form:

Shall the city of ..... (insert name of city) repeal the sales tax imposed at a rate of ..... (insert rate) percent for the purpose of improving the public safety of the city?

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized under this section shall remain effective until the question is resubmitted and approved under this section.

6. The governing body of any city that has adopted the sales tax authorized under this section shall submit the question of the continuation of the tax to the voters twenty-five years from the date of its inception and every twenty-five years thereafter on a date available for elections for the city. The ballot language shall be in substantially the following form:

Shall ..... (insert name of city) continue collecting a sales tax imposed at a rate of ..... (insert rate) percent for the purpose of providing revenues for the operation of public safety departments of the city?

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to continuation, the repeal shall become effective on December thirty-first of the calendar year in which such continuation failed to be approved. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of continuation, then the sales tax authorized under this section shall remain effective until the question is resubmitted under this section to the qualified voters and continuation fails to be approved by a majority of the qualified voters voting on the question.

7. Except as modified under this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

**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.

9. Any [transportation development district] **political subdivision** that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine of five hundred dollars per day.

[9] 10. The state auditor shall report any violation of subsection [8] 9 of this section to the department of revenue. Upon notification from the state auditor's office that a [transportation

development district] **political subdivision** failed to timely submit a copy of the annual financial statement, the department of revenue shall notify such [district] **political subdivision** by certified mail that the statement has not been received. Such notice shall clearly set forth the following:

- (1) The name of the [district] **political subdivision**;
- (2) That the [district] **political subdivision** shall be subject to a fine of five hundred dollars per day if the [district] **political subdivision** 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] **11** 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] **political subdivision** to submit the required annual financial statement within such thirty-day period shall cause the fine to be collected as provided under subsection [10] **11** of this section.

[10] **11.** The department of revenue may collect the fine authorized under the provisions of subsection [8] **9** of this section by offsetting any sales or use tax distributions due to the [district] **political subdivision**. 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] **12.** 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.

**139.100. COLLECTION OF PENALTY FOR DELINQUENT TAXES — SETTLEMENT — PENALTY FOR VIOLATION — PAYMENT OF TAXES BY MAIL DEEMED PAID, WHEN.** — 1. If any taxpayer shall fail or neglect to pay to the collector his taxes at the time required by law, then it shall be the duty of the collector, after the first day of January then next ensuing, to collect and account for, as other taxes, an additional tax, as penalty, the amount provided for in section 140.100.

2. Collectors shall, on the day of their annual settlement with the county governing body, file with governing body a statement, under oath, of the amount so received, and from whom received, and settle with the governing body therefor; but, interest shall not be chargeable against persons who are absent from their homes, and engaged in the military service of this state or of the United States. The provisions of this section shall apply to the city of St. Louis, so far as the same relates to the addition of such interest, which, in such city, shall be collected and accounted for by the collector as other taxes, for which he shall receive no compensation.

3. Whenever any collector of the revenue in the state fails or refuses to collect the penalty provided for in this section on state and county taxes, it shall be the duty of the director of revenue and county clerk to charge such collectors with the amount of interest due thereon, as shown by the returns of the county clerk, and such collector shall be liable to the penalties as provided for in section 139.270.

4. For purposes of this section and other provisions of law relating to the timely payment of taxes due on any real or personal property, payments for taxes due on any real or personal property which are delivered by United States mail to the collector, the collector's office, or other officer or office designated by the county or city to receive such payments, of the appropriate county or city, shall be deemed paid as of the postmark date stamped on the envelope or other

cover in which such payment is mailed. In the event any payment of taxes due is sent by registered or certified mail, the date of registration or certification shall be deemed the postmark date. No additional tax or penalty shall be imposed under this section on any taxpayer whose payment is delivered by United States mail, if the postmark date stamped on the envelope or other cover containing such payment falls within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment or if the postmaster for the jurisdiction where the payment was mailed verifies in writing that the payment was deposited in the United States mail within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment, and was delayed in delivery because of an error by the United States postal service and not because of an error by the taxpayer. **In the absence of a postmark, or if the postmark is illegible or otherwise inconclusive, the collector may use the collector's judgment regarding the timeliness of the payment contained therein and shall document such decision.**

**182.640. BOARD OF TRUSTEES — HOW APPOINTED, GROUNDS FOR REMOVAL, VACANCIES HOW FILLED — LIBRARIAN TO BE APPOINTED. —** 1. A consolidated public library district created under the provisions of sections 182.610 to 182.670 shall be governed by a board of trustees which shall consist of not less than eight trustees to be appointed by the county commission or county executive officers of the counties participating in the consolidated public library district. **Upon the creation of a consolidated district under section 182.620, the county commission or county executive officers of each participating county shall appoint four trustees who are residents of that county and who reside in the district, as representatives of its county. If an existing consolidated public library district is enlarged by incorporating into it any county public library district under section 182.660, then the county commission or county executive of the petitioning county district shall appoint four trustees who are residents of that county as representatives of the county. If an existing consolidated public library district is enlarged by incorporating into it any city, municipal, school, or other public library district that does not include an entire county, that includes territory outside of the consolidated district's existing boundaries, and that petitions to join the consolidated district under section 182.660, then the county commission or county executive of each county within the petitioning district that is outside of the consolidated district's existing boundaries shall appoint one trustee who resides in their county and also within the petitioning district as a representative of the consolidated district.** No appointed trustee shall be an [elective] **elect**ed official.

2. The trustees of the existing boards of a county public district shall remain as the representatives of their respective county and shall serve the remainder of their respective term as the governing board of a consolidated public library district. Upon expiration of their term the county commission or county executive officer shall appoint a resident of the respective county and district for a four-year term beginning the first day of July or until a successor shall be appointed. Trustees in office as of August 28, 2005, who reside outside the district shall be deemed to have vacated their trusteeships and successors shall be appointed under subsection 4 of this section.

3. Whenever any member of the board of trustees shall, without good cause, fail to attend six consecutive board meetings of the consolidated public library district or whenever any member of the board of trustees is deemed by the majority of the board of trustees to be guilty of conduct prejudicial to the good order and effective operation of the consolidated public library district, or whenever any member is deemed to be guilty of neglect of duty, then such member may be removed by resolution of the board of trustees duly acted upon, after specification of charge and hearing.

4. Vacancies in the board occasioned by removals, resignations, or otherwise shall be reported to the county commission or county executive officers and shall be filled in like manner

as original appointments; except that, if the vacancy occurs during an unexpired term, the appointment shall be for only the unexpired portion of that term.

5. No person shall be employed by the board of library trustees or by the librarian who is related within the third degree by blood or by marriage to any trustee of the board.

6. Except as in sections 182.610 to 182.670 otherwise expressly provided, no trustee of a consolidated public library district shall receive any fee, salary, gratuity or other compensation or remuneration for acting as such; except that, the board of trustees may reimburse its members for actual and necessary expenses incurred in the performance of their duties.

7. The board of trustees shall have a president, secretary and a treasurer and such other officers as the board may select. All officers of the board shall be selected by the board. All officers of the board of trustees shall serve at the pleasure of the board, and shall not receive any salary, gratuity or other compensation or reimbursement for acting as such, except the treasurer, who may also serve as secretary.

8. The board shall provide for regularly scheduled meetings of the board to be held monthly; except that, the board shall not be required to meet more than ten times in any calendar year. The board shall make and adopt bylaws, rules and regulations governing the proceedings of the board, including bylaws prescribing the duties of each officer of the board of trustees. No bylaws, rules or regulations shall be contrary to, or inconsistent with, any provision of law.

9. A majority of the full board of trustees shall constitute a quorum for the transaction of business. The act of the majority of the trustees present at a meeting at which a quorum is present shall be the act of the board of trustees, except as hereinafter provided. The affirmative vote of a majority of the full board of trustees shall be required to enter into any contract, employ or dismiss the chief administrative officer of the district, effect a merger or consolidation or approve a budget.

10. The board of trustees of a consolidated public library district shall adopt policies for the government of the consolidated public library district that will carry out the spirit and intent of sections 182.610 to 182.670, and the board shall employ a duly qualified graduate librarian as the chief executive and administrative officer of the consolidated public library district charged with the duty of carrying out the policies adopted by the board. The librarian shall serve at the pleasure of the board. The librarian shall have the authority to employ professional library assistants and other employees to fill the positions that are created by the board. The assistants and employees may be dismissed by the librarian.

**182.660. MAY INCORPORATE OTHER PUBLIC LIBRARY DISTRICTS — PETITION, NOTICE — TRANSFER OF PROPERTY, WHEN. —** 1. Any consolidated public library district created under sections 182.610 to 182.670 may enlarge the area it serves by incorporating into it any county, city, municipal, school or public library district.

2. The board of trustees of a county, city, municipal, school or public library district may, by resolution duly acted upon, petition the board of trustees of a consolidated public library district to become a part of and be included in such consolidated public library district. The petitioning district may be admitted into the consolidated public library district upon majority vote of the board of trustees of the consolidated public library district at the prevailing tax rate of the consolidated district. Notice of inclusion of the petitioning district into the consolidated public library district shall be given to the governing authority of the district so included in accordance with the notice provisions set out in section 182.620.

3. Whenever five percent of the voters of a county, city, municipal, school or public library district shall petition in writing the governing authority of the district to be included in the consolidated public library district and upon written approval by majority vote of the board of trustees of the consolidated public library district, it shall be the duty of the governing authority to submit the question to the voters of the petitioning district at an election.

4. Upon admission of any petitioning district by majority vote of the board of trustees of the consolidated public library district or upon majority approval of the voters of any such district

for inclusion in the consolidated public library district, the taxing authority and governing authority of the district shall take appropriate action to transfer, within sixty days following the approval or election, all title and interest in all property both real and personal in the name of the district, to the board of trustees of the consolidated public library district. Upon the transfer of the title and interest in the property, it shall become a part of the consolidated public library district, and the petitioning district and its board of trustees shall cease to exist. **Notwithstanding section 182.640 to the contrary, if the petitioning district is a city or municipal library district located in part in any county that is not a county participating in the consolidated public library district, the board of trustees of the consolidated public library district shall expand to include one additional trustee appointed by the county commissioners or county executive officers of the county not currently included in the consolidated public library district. Upon the admission of the petitioning district for inclusion in the consolidated public library district, the transfer of the title and interest in property of such petitioning district, and the appointment of the additional trustee, the petitioning district and its board of trustees shall cease to exist.**

5. If the tax levy for the district admitted is not at the same rate as that of the consolidated public library district or if there is no tax levied in the district for the support of public libraries, then at the beginning of the next taxing period a tax or taxes shall be levied in the district admitted to conform to and be the same as that levied in the consolidated public library district.

**233.295. DISSOLUTION OF ROAD DISTRICT — PETITION — NOTICE — DISINCORPORATION OF DISTRICT — COMBINING OF DISTRICTS, PROCEDURE (CHRISTIAN, JASPER AND BARRY COUNTIES).** — 1. Whenever a petition, signed by the owners of a majority of the acres of land[,] within a road district organized under the provisions of sections 233.170 to 233.315, shall be filed with the county commission of any county in which such district is situated, setting forth the name of the district and the number of acres owned by each signer of such petition and the whole number of acres in such district, the county commission shall have power, if in its opinion the public good will be thereby advanced, to disincorporate such road district. No such road district shall be disincorporated until notice is published in at least one newspaper of general circulation in the county where the district is situated for four weeks successively prior to the hearing of such petition.

2. In any county with a population of at least thirty-two thousand inhabitants which adjoins a county of the first classification which contains a city with a population of one hundred thousand or more inhabitants that adjoins no other county of the first classification, whenever a petition signed by at least fifty registered voters residing within the district organized under the provisions of sections 233.170 to 233.315 is filed with the county clerk of the county in which the district is situated, setting forth the name of the district and requesting the disincorporation of such district, the county clerk shall certify for election the following question to be voted upon by the eligible voters of the district:

Shall the \_\_\_\_\_ incorporated road district organized under the provisions of sections 233.170 to 233.315, RSMo, be dissolved?

YES

NO

If a majority of the persons voting on the question are in favor of the proposition, then the county commission shall disincorporate the road district.

3. The petition filed pursuant to subsection 2 of this section shall be submitted to the clerk of the county no later than eight weeks prior to the next countywide election at which the question will be voted upon.

4. Notwithstanding other provisions of this section to the contrary, in any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants, any petition to disincorporate a road district organized under sections 233.170 to 233.315 shall be presented to the county commission or similar

authority. The petition shall be signed by the lesser of fifty or a majority of the registered voters residing within the district, shall state the name of the district, and shall request the disincorporation of the district. If a petition is submitted as authorized in this section, and it is the opinion of the county commission that the public good will be advanced by the disincorporation after providing notice and a hearing as required in this section, then the county commission shall disincorporate the road district. This subsection shall not apply to any road district located in two counties.

5. Notwithstanding other provisions of this section to the contrary, in any county of the third classification without a township form of government and with more than thirty-four thousand but fewer than thirty-four thousand one hundred inhabitants, any petition to disincorporate a road district organized under sections 233.170 to 233.315 shall be presented to the county commission or similar authority. The petition shall be signed by the lesser of fifty or a majority of the registered voters residing within the district, shall state the name of the district, and shall request the disincorporation of the district. If a petition is submitted as authorized in this section, and it is the opinion of the county commission that the public good will be advanced by the disincorporation after providing notice and a hearing as required in this section, then the county commission shall disincorporate the road district. This subsection shall not apply to any road district located in two counties.

6. Notwithstanding other provisions 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, any petition to disincorporate a road district organized under sections 233.170 to 233.315 shall be presented to the county commission or similar authority. The petition shall be signed by the lesser of fifty or a majority of the registered voters residing within the district, shall state the name of the district, and shall request the disincorporation of the district. If a petition is submitted as authorized in this section, and it is the opinion of the county commission that the public good will be advanced by the disincorporation after providing notice and a hearing as required in this section, then the county commission shall disincorporate the road district. This subsection shall not apply to any road district located in two counties.

7. Notwithstanding other provisions of this section to the contrary, in any county, any petition to disincorporate a road district organized under sections 233.170 to 233.315 shall be presented to the county commission or similar authority. The petition shall be signed by the lesser of fifty or a majority of the registered voters residing within the district, shall state the name of the district, and shall request the disincorporation of the district. If a petition is submitted as authorized in this section, and it is the opinion of the county commission that the public good will be advanced by the disincorporation after providing notice and a hearing as required in this section, then the county commission shall disincorporate the road district. This subsection shall not apply to any road district located in two counties.

8. Notwithstanding other provisions of this section to the contrary, in any county, a petition to disincorporate a road district located in two counties organized under sections 233.170 to 233.315 shall be presented to the county commission or similar authority in each county in which the road district is located. Each petition shall be signed by the lesser of fifty or a majority of the registered voters residing within the district and county, shall state the name of the district, and shall request the disincorporation of the district. If a petition is submitted as authorized in this section, and it is the opinion of the county commission in each county in which the road district is located that the public good will be advanced by the disincorporation after providing notice and a hearing as required in this section, then the county commission in each county in which the road district is located shall disincorporate the road district. A road district located in two counties shall not be disincorporated until it is disincorporated in each county in which it is located.

**9. (1) The county commission or similar authority shall have the power to combine two or more road districts organized under sections 233.170 to 233.315 upon petition**

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signed by a majority of the commissioners in each of the road districts seeking to be combined;

(2) The petition presented to the county commission or similar authority shall set forth the request that the road districts desire to be consolidated and shall set forth the proposed name of the new road district. If a petition is submitted as authorized in this subsection, then the county commission or similar authority shall hold a public hearing at a place and time it designates after it has published notice of the hearing for four consecutive weeks in a newspaper of general circulation in the county;

(3) After such hearing, if it is the opinion of the county commission that the public good will be advanced by the consolidation of the districts, then the county commission or similar authority shall issue its order consolidating the districts and set the effective date of the consolidation in such order;

(4) Upon consolidation, the county commission or similar authority shall appoint the three initial commissioners of the consolidated district: one for a term of one year, one for a term of two years, and one for a term of three years;

(5) Upon consolidation, all assets and liabilities of the combined districts shall vest in the new consolidated district. In the event the tax levies of the combined districts are different, then the initial tax levy for the consolidated district shall be the lower of the districts that were combined until changed as provided by statute;

(6) The county commission or similar authority shall have the power to make deeds, bills of sale, or other instruments transferring the assets of the districts combined to the new consolidated district and shall have all other powers necessary to effectuate the consolidation and transfer of all assets and liabilities to the consolidated road district; and

(7) The provisions of subsection 9 of this section shall not apply to any road district located in two counties.

**242.460. LEVY OF ANNUAL INSTALLMENT OF TAX — FORM OF TAX CERTIFICATE. —**

1. The said board of supervisors shall each year thereafter determine, order and levy the amount of the annual installment of the total taxes levied under section 242.450; which shall become due and be collected during said year at the same time that state and county taxes are due and collected, which said annual installment and levy shall be evidenced and certified by the said board not later than [October thirty-first] **September thirtieth** of each year to the collector of revenue of each county, or township, in which lands and other property of said district are situate.

2. The certificate of said installment tax shall be in substantially the following form:

State of Missouri,                    )  
  ) ss  
County of \_\_\_\_\_ )

To \_\_\_\_\_ collector of the revenue of said county, or township:

This is to certify that by virtue and authority of the provisions of section 242.460, RSMo, the board of supervisors of "\_\_\_\_\_ drainage district of Missouri" have and do hereby levy the sum of \$ \_\_\_\_\_ as the annual installment of tax for the year 20\_\_ of the total tax levied under the provisions of section 242.450, RSMo, which said total tax has heretofore been certified to the recorder of deeds of your county; and said board of supervisors of said drainage district, by and with the authority of section 242.490, RSMo, has levied also the sum of \$ \_\_\_\_\_ as a maintenance tax for said year; said annual installment of tax and maintenance tax on the real estate and other property situate in your county, or township, are set out in the following table, in which are: First, the names of the present owners of said lands and other property so far as now known; second, the descriptions of said lands and other property opposite the names of said owners; third, the amount of said installment of tax levied on each tract of real estate and other property, and fourth, the said amount of maintenance tax levied against the same.

The said taxes shall be collectible and payable the present year at the same time that state and county taxes are due and collected, and you are directed and ordered to demand and collect the said taxes at the same time you demand and collect the state and county taxes due on the same lands and other property, and this "drainage tax book" shall be your warrant and authority for making such demand and collection.

Witness the signature of the president of the said board of supervisors, attested by the seal of said district, and the signature of the secretary of said board, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

(SEAL)

\_\_\_\_\_  
President of Board of Supervisors.

\_\_\_\_\_  
Secretary of Board of Supervisors.

Then shall follow a table or schedule showing in properly ruled columns:

- (1) The names of the present owners of said lands and other property so far as now known;
- (2) The descriptions of the said lands and other property opposite the names of said owners;
- (3) The amount of said annual installment tax levied on each tract of land or piece of property;
- (4) The amount of maintenance tax;
- (5) A blank column in which the collector shall record the several amounts as collected by him;
- (6) A blank column in which the collector shall record the date of payment of the different sums;
- (7) A blank column in which the collector shall record the names of the person or persons paying the several amounts, if other than the person whose name appears in column one hereof.

3. The columns in which the annual installment tax and the maintenance tax, if any, appear shall be correctly totaled and the total amount shall correspond to the amount set out in the above mentioned certificate. The said certificate and table shall be prepared in the form of a well-bound book, which shall be endorsed and named "Drainage Tax Book, \_\_\_\_\_ Drainage District \_\_\_\_\_ County, or \_\_\_\_\_ Township of \_\_\_\_\_ County, Missouri, for the year 20\_\_", which endorsement shall also be printed at the top of each page in said book.

**243.350. APPORTIONMENT OF ANNUAL INSTALLMENTS — DRAINAGE TAX BOOK, FORM — TAXES DUE, WHEN.** — 1. Each year the county clerk shall apportion the amount of the annual installment, or the aggregate of the installments which the commission has provided shall become due and payable in that year and the maintenance taxes, if any, against the land and other property in the drainage district in proportion to the benefits assessed.

2. The said annual installment and maintenance taxes when so apportioned shall be extended by the clerk in a well-bound book which shall be designated and endorsed "Drainage Tax Book of Drainage District Number \_\_\_\_\_ of \_\_\_\_\_ County, or \_\_\_\_\_ Township of \_\_\_\_\_ County, Missouri, for the year 20\_\_", which endorsement shall also be written or printed at the top of each page. There shall be set out in properly ruled columns of said book the following:

- (1) The names of the present owners of said land and other property so far as now known;
- (2) Description of the land and other property;
- (3) Amount of said installment or installments of tax levied on the corresponding tract of land or other property;
- (4) Amount of maintenance tax, if any, levied against said tract of land or other property;
- (5) A blank column in which the collector shall record the several amounts as collected by him;
- (6) A blank column in which the collector shall record the date of payment of the different sums;

(7) A blank column in which the collector shall record the names of the person or persons paying the several amounts, if other than the person whose name appears in column one hereof.

3. The county clerk shall prepare and deliver the said drainage tax book to the collector of the revenue of the county, or township, not later than [October thirty-first] **September thirtieth** of each year in which the installment and maintenance taxes, if any, are due and payable, and the said taxes shall become due and be collected during said year at the same time that state and county taxes are due and collected.

**245.185. ANNUAL INSTALLMENT OF TAX TO BE LEVIED — WHEN DUE — FORM OF CERTIFICATE OF TAX.** — 1. The said board of supervisors shall each year thereafter determine, order and levy the amount of the annual installment of the total taxes levied under section 245.180, which shall become due and be collected during said year at the same time that state and county taxes are due and collected, which said annual installment and levy shall be evidenced and certified by the board not later than [October thirty-first] **September thirtieth** of each year to the collector of revenue of each county, or township, in which lands and other property of said district are situate.

2. The certificate of said installment tax shall be in substantially the following form:

State of Missouri,            )  
  )ss  
County of \_\_\_\_\_ )

To \_\_\_\_\_, collector of the revenue of said county, or township:

This is to certify that by virtue and authority of the provisions of section 245.185, RSMo, the board of supervisors of "\_\_\_\_\_ levee district of Missouri" have and do hereby levy the sum of \$ \_\_\_\_\_ as the annual installment of the tax for the year 20\_\_ of the total tax levied under the provisions of section 245.180, RSMo, which said total tax has heretofore been certified to the recorder of deeds of your county; and said board of supervisors of said district by and with the authority of section 245.195, RSMo, has levied also the sum of \$ \_\_\_\_\_ as a maintenance tax for said year; said annual installment of tax and maintenance tax on the real estate and other property situate in your county are set out in the following table, in which are: First, the names of the present owners of said lands and other property so far as now known; second, the descriptions of said lands and other property opposite the names of said owners; third, the amount of said installment of tax levied on each tract of real estate and other property, and fourth, the said amount of maintenance tax levied against the same. The said taxes shall be collectible and payable the present year at the same time that state and county taxes are due and collected, and you are directed and ordered to demand and collect the said taxes at the same time you demand and collect the state and county taxes due on the same lands and other property, and this "levee tax book" shall be your warrant and authority for making such demand and collection.

Witness the signature of the president of the said board of supervisors, attested by the seal of said district, and the signature of the secretary of said board, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

(SEAL)

\_\_\_\_\_  
President of Board of Supervisors.

\_\_\_\_\_  
Secretary of Board of Supervisors.

3. Then shall follow a table or schedule showing in properly ruled columns, first, the names of the present owners of said lands and other property so far as now known; second, the descriptions of the said lands and other property opposite the names of said owners; third, the amount of said annual installment tax levied on each tract of land or piece of property; fourth, the amount of maintenance tax; fifth, a blank column in which the collector shall record the several amounts as collected by him; sixth, a blank column in which the collector shall record the date of payment of the different sums; seventh, a blank column in which the collector shall record the names of the person or persons paying the several amounts, if other than the person

whose name appears in column one hereof. The columns in which the annual installment tax and the maintenance tax, if any, appear shall be correctly totaled and the total amount shall correspond to the amount set out in the above mentioned certificate. The said certificate and table shall be prepared in the form of a well-bound book which shall be endorsed and named "Levee tax book \_\_\_\_\_ levee district \_\_\_\_\_ County, or \_\_\_\_\_ Township of \_\_\_\_\_ County, Missouri, for the year 20\_\_", which endorsement shall also be printed at the top of each page in said book.

**321.242. ADDITIONAL SALES TAX, CERTAIN CITIES — BALLOT, FORM — FIRE PROTECTION SALES TAX TRUST FUND, DEPOSIT OF FUNDS — ABOLITION OF TAX, PROCEDURE — DISSOLUTION OF DISTRICT, EFFECT.** — 1. The governing body of any fire protection district which operates within and has boundaries identical to a city with a population of at least thirty thousand but not more than thirty-five thousand inhabitants which is located in a county of the first classification, excluding a county of the first classification having a population in excess of nine hundred thousand, or the governing body of any municipality having a municipal fire department may impose a sales tax in an amount of up to one-fourth of one percent on all retail sales made in such fire protection district or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district or municipality submits to the voters of such fire protection district or municipality, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district or municipality to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall \_\_\_\_\_ (insert name of district or municipality) impose a sales tax of \_\_\_\_\_ (insert rate of tax) for the purpose of providing revenues for the operation of the \_\_\_\_\_ (insert fire protection district or municipal fire department)?  
 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 sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district or municipality shall not impose the sales tax authorized in this section unless and until the governing body of such fire protection district or municipality resubmits a proposal to authorize the governing body of the fire protection district or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district or the municipal fire department.

4. All sales taxes collected by the director of revenue pursuant to this section **or section 321.246** on behalf of any fire protection district or municipality, 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 "Fire Protection Sales Tax Trust Fund". Any moneys in the fire protection district sales tax trust fund created prior to August 28, 1999, shall be transferred to the fire protection sales tax trust fund. The moneys in the fire protection 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 and of the amounts which were collected in each fire protection district or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of

officers of the fire protection district or municipality 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 fire protection district or municipality which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district or municipality, and all expenditures of funds arising from the fire protection sales tax trust fund shall be for the operation of the fire protection district or the municipal fire department and for no other purpose.

5. The director of revenue may [authorize the state treasurer to] make refunds from the amounts in the trust fund and credited to any fire protection district or municipality for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts or municipalities. If any fire protection district or municipality abolishes the tax, the fire protection district or municipality 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 fire protection district or municipality, the director of revenue shall remit the balance in the account to the fire protection district or municipality and close the account of that fire protection district or municipality. The director of revenue shall notify each fire protection district or municipality of each instance of any amount refunded or any check redeemed from receipts due the fire protection district or municipality. In the event a tax within a fire protection district is approved pursuant to this section, and such fire protection district is dissolved, if the boundaries of the fire protection district are identical to that of the city, the tax shall continue and proceeds shall be distributed to the governing body of the city formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such city.

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

**321.246. FIRE PROTECTION DISTRICTS, SALES TAX AUTHORIZED FOR DISTRICTS WITHIN CERTAIN COUNTIES AND CITIES — BALLOT CONTENTS — TRUST FUND — COLLECTION BY DIRECTOR OF REVENUE — REFUNDS. — 1.** The governing body of any fire protection district which operates within both a county of the first classification with a charter form of government and with a population greater than six hundred thousand but less than nine hundred thousand and a county of the fourth classification with a population greater than thirty thousand but less than thirty-five thousand and that adjoins a county of the first classification with a charter form of government, [or] the governing body of any fire protection district which contains a city of the fourth classification having a population greater than two thousand four hundred when the city is located in a county of the first classification without a charter form of government having a population greater than one hundred fifty thousand and the county contains a portion of a city with a population greater than three hundred fifty thousand, **or the governing body of any fire protection district that operates in a county of the third classification with a population greater than fourteen thousand but less than fifteen thousand** may impose a sales tax in an amount of up to one-half of one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of the fire protection district, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the fire protection district of \_\_\_\_\_ (district's name) impose a district-wide sales tax of \_\_\_\_\_ for the purpose of providing revenues for the operation of the fire protection 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 sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of the fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection 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 the fire protection district sales tax trust fund established pursuant to section 321.242. The moneys in the fire protection 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 and which was collected in each fire protection district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district 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 fire protection district which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and all expenditures of funds arising from the fire protection district sales tax trust fund shall be for the operation of the fire protection district and for no other purpose.

5. The director of revenue may [authorize the state treasurer to] make refunds from the amounts in the trust fund and credited to any fire protection district for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts. If any fire protection district abolishes the tax, the fire protection district 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 fire protection district, the director of revenue shall remit the balance in the account to the fire protection district and close the account of that fire protection district. The director of revenue shall notify each fire protection district of each instance of any amount refunded or any check redeemed from receipts due the fire protection district. In the event a tax within a fire protection district is approved under this section, and such fire protection district is dissolved, the tax shall lapse on the date that the fire protection district is dissolved and the proceeds from the last collection of such tax shall be distributed to the governing bodies of the counties formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such counties.

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

**393.1075. CITATION OF LAW — DEFINITIONS — POLICY TO VALUE DEMAND-SIDE INVESTMENTS EQUAL TO TRADITIONAL INVESTMENTS — DEVELOPMENT OF COST**

**RECOVERY MECHANISMS — COSTS NOT TO BE ASSIGNED TO CUSTOMERS, WHEN —  
RULEMAKING AUTHORITY — ANNUAL REPORT — CERTAIN CHARGES TO APPEAR ON BILL.**

—1. This section shall be known as the "Missouri Energy Efficiency Investment Act".

2. As used in this section, the following terms shall mean:

- (1) "Commission", the Missouri public service commission;
- (2) "Demand response", measures that decrease peak demand or shift demand to off-peak periods;
- (3) "Demand-side program", any program conducted by the utility to modify the net consumption of electricity on the retail customer's side of the electric meter, including but not limited to energy efficiency measures, [load] **rate** management, demand response, and interruptible or curtailable load;
- (4) "Energy efficiency", measures that reduce the amount of electricity required to achieve a given end use;
- (5) "Interruptible or curtailable rate", a rate under which a customer receives a reduced charge in exchange for agreeing to allow the utility to withdraw the supply of electricity under certain specified conditions;
- (6) "Total resource cost test", a test that compares the sum of avoided utility costs and avoided probable environmental compliance costs to the sum of all incremental costs of end-use measures that are implemented due to the program, as defined by the commission in rules.

3. It shall be the policy of the state to value demand-side investments equal to traditional investments in supply and delivery infrastructure and allow recovery of all reasonable and prudent costs of delivering cost-effective demand-side programs. In support of this policy, the commission shall:

- (1) Provide timely cost recovery for utilities;
- (2) Ensure that utility financial incentives are aligned with helping customers use energy more efficiently and in a manner that sustains or enhances utility customers' incentives to use energy more efficiently; and
- (3) Provide timely earnings opportunities associated with cost-effective measurable and verifiable efficiency savings.

4. The commission shall permit electric corporations to implement commission-approved demand-side programs proposed pursuant to this section with a goal of achieving all cost-effective demand-side savings. Recovery for such programs shall not be permitted unless the programs are approved by the commission, result in energy or demand savings and are beneficial to all customers in the customer class in which the programs are proposed, regardless of whether the programs are utilized by all customers. The commission shall consider the total resource cost test a preferred cost-effectiveness test. Programs targeted to low-income customers or general education campaigns do not need to meet a cost-effectiveness test, so long as the commission determines that the program or campaign is in the public interest. Nothing herein shall preclude the approval of demand-side programs that do not meet the test if the costs of the program above the level determined to be cost-effective are funded by the customers participating in the program or through tax or other governmental credits or incentives specifically designed for that purpose.

5. To comply with this section the commission may develop cost recovery mechanisms to further encourage investments in demand-side programs including, in combination and without limitation: capitalization of investments in and expenditures for demand-side programs, rate design modifications, accelerated depreciation on demand-side investments, and allowing the utility to retain a portion of the net benefits of a demand-side program for its shareholders. In setting rates the commission shall fairly apportion the costs and benefits of demand-side programs to each customer class except as provided for in subsection 6 of this section. Prior to approving a rate design modification associated with demand-side cost recovery, the commission shall conclude a docket studying the effects thereof and promulgate an appropriate rule.

6. The commission may reduce or exempt allocation of demand-side expenditures to low-income classes, as defined in an appropriate rate proceeding, as a subclass of residential service.

7. Provided that the customer has notified the electric corporation that the customer elects not to participate in demand-side measures offered by an electrical corporation, none of the costs of demand-side measures of an electric corporation offered under this section or by any other authority, and no other charges implemented in accordance with this section, shall be assigned to any account of any customer, including its affiliates and subsidiaries, meeting one or more of the following criteria:

(1) The customer has one or more accounts within the service territory of the electrical corporation that has a demand of five thousand kilowatts or more;

(2) The customer operates an interstate pipeline pumping station, regardless of size; or

(3) The customer has accounts within the service territory of the electrical corporation that have, in aggregate, a demand of two thousand five hundred kilowatts or more, and the customer has a comprehensive demand-side or energy efficiency program and can demonstrate an achievement of savings at least equal to those expected from utility-provided programs.

8. Customers that have notified the electrical corporation that they do not wish to participate in demand-side programs under this section shall not subsequently be eligible to participate in demand-side programs except under guidelines established by the commission in rulemaking.

9. Customers who participate in demand-side programs initiated after August 1, 2009, shall be required to participate in program funding for a period of time to be established by the commission in rulemaking.

10. Customers electing not to participate in an electric corporation's demand-side programs under this section shall still be allowed to participate in interruptible or curtailable rate schedules or tariffs offered by the electric corporation.

11. The commission shall provide oversight and may adopt rules and procedures and approve corporation-specific settlements and tariff provisions, independent evaluation of demand-side programs, as necessary, to ensure that electric corporations can achieve the goals 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, 2009, shall be invalid and void.

12. Each electric corporation shall submit an annual report to the commission describing the demand-side programs implemented by the utility in the previous year. The report shall document program expenditures, including incentive payments, peak demand and energy savings impacts and the techniques used to estimate those impacts, avoided costs and the techniques used to estimate those costs, the estimated cost-effectiveness of the demand-side programs, and the net economic benefits of the demand-side programs.

13. Charges attributable to demand-side programs under this section shall be clearly shown as a separate line item on bills to the electrical corporation's customers.

14. [(1) Any customer of an electrical corporation who has received a state tax credit under sections 135.350 to 135.362 or under sections 253.545 to 253.561 shall not be eligible for participation in any demand-side program offered by an electrical corporation under this section if such program offers a monetary incentive to the customer, except as provided in subdivision (4) of this subsection.

(2) As a condition of participation in any demand-side program offered by an electrical corporation under this section when such program offers a monetary incentive to the customer, the commission shall develop rules that require documentation to be provided by the customer to the electrical corporation to show that the customer has not received a tax credit listed in subdivision (1) of this subsection.



(3) The penalty for a customer who provides false documentation under subdivision (2) of this subsection shall be a class A misdemeanor.

(4) The provisions of this subsection shall not apply to any low-income customer who would otherwise be eligible to participate in a demand-side program that is offered by an electrical corporation to low-income customers.

15.] The commission shall develop rules that provide for disclosure of participants in all demand-side programs offered by electrical corporations under this section when such programs provide monetary incentives to the customer. The disclosure required by this subsection may include, but not be limited to, the following: the name of the participant, or the names of the [principles] **principals** if for a company, the property address, and the amount of the monetary incentive received.

**473.730. PUBLIC ADMINISTRATORS — QUALIFICATIONS — ELECTION — OATH — BOND — PUBLIC ADMINISTRATOR DEEMED PUBLIC OFFICE, DUTIES — SALARIED PUBLIC ADMINISTRATORS DEEMED COUNTY OFFICIALS — CITY OF ST. LOUIS, APPOINTMENTS OF ADMINISTRATORS.** — 1. Every county in this state, except the City of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator's county. A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes. **Each candidate for public administrator shall provide to the election authority a copy of a signed affidavit from a surety company indicating that the candidate meets the bond requirements for the office of public administrator under this section.**

2. Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with [two] **one** or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

[2.] 3. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

[3.] 4. After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, subject to the minimum salary requirements set forth in section 473.742.

[4.] 5. The public administrator for the city of St. Louis shall be appointed by a majority of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such public administrator shall meet the same qualifications and requirements specified in subsection 1 of this section for elected public administrators. The elected public administrator holding office on August 28, 2013, shall continue to hold such office for the remainder of his or her term.

**473.743. DUTY OF PUBLIC ADMINISTRATOR TO TAKE CHARGE OF ESTATES, WHEN. —**  
**Upon appointment by the probate court,** it shall be the duty of the public administrator to take into his or her charge and custody the estates of all deceased persons, and the [person and] estates of all minors, and the estates or person and estate of all incapacitated persons in his or her county, in the following cases:

(1) When a stranger dies intestate in the county without relations, or dies leaving a will, and the personal representative named is absent, or fails to qualify;

(2) When persons die intestate without any known heirs;

(3) When persons unknown die or are found dead in the county;

(4) When money, property, papers or other estate are left in a situation exposed to loss or damage, and no other person administers on the same;

(5) When any estate of any person who dies intestate therein, or elsewhere, is left in the county liable to be injured, wasted or lost, when the intestate does not leave a known husband, widow or heirs in this state;

(6) [The persons of all minors under the age of fourteen years, whose parents are dead, and who have no legal guardian or conservator;

(7)] The estates of all minors whose parents are dead, or, if living, refuse or neglect to qualify as conservator, or, having qualified have been removed, or are, from any cause, incompetent to act as such conservator, and who have no one authorized by law to take care of and manage their estate;

[(8)] (7) The estates or person and estate of all disabled or incapacitated persons in his or her county who have no legal guardian or conservator, and no one competent to take charge of such estate, or to act as such guardian or conservator, can be found, or is known to the court having jurisdiction, who will qualify;

[(9)] (8) Where from any other good cause, the court shall order him to take possession of any estate to prevent its being injured, wasted, purloined or lost;

[(10)] When moneys are delivered to the public administrator from the county coroner;

[(11)] (9) The public administrator shall act as trustee when appointed by the circuit court or the probate division of the circuit court.

**475.120. GENERAL POWERS AND DUTIES OF GUARDIAN OF THE PERSON — SOCIAL SERVICE AGENCY ACTING ON BEHALF OF WARD, REQUIREMENTS — PRENEED FUNERAL CONTRACT PERMITTED, WHEN. —** 1. The guardian of the person of a minor shall be entitled to the custody and control of the ward and shall provide for the ward's education, support and maintenance.

2. A guardian or limited guardian of an incapacitated person shall act in the best interest of the ward. A limited guardian of an incapacitated person shall have the powers and duties enumerated by the court in the adjudication order or any later modifying order.

3. The general powers and duties of a guardian of an incapacitated person shall be to take charge of the person of the ward and to provide for the ward's care, treatment, habilitation, education, support and maintenance; and the powers and duties shall include, but not be limited to, the following:

(1) Assure that the ward resides in the best and least restrictive setting reasonably available;

(2) Assure that the ward receives medical care and other services that are needed;

(3) Promote and protect the care, comfort, safety, health, and welfare of the ward;

(4) Provide required consents on behalf of the ward;

(5) To exercise all powers and discharge all duties necessary or proper to implement the provisions of this section.

4. A guardian of an adult or minor ward is not obligated by virtue of such guardian's appointment to use the guardian's own financial resources for the support of the ward. If the ward's estate and available public benefits are inadequate for the proper care of the ward, the guardian or conservator may apply to the county commission pursuant to section 475.370.

5. No guardian of the person shall have authority to seek admission of the guardian's ward to a mental health or intellectual disability facility for more than thirty days for any purpose without court order except as otherwise provided by law.

6. Only the director or chief administrative officer of a social service agency serving as guardian of an incapacitated person, or such person's designee, is legally authorized to act on behalf of the ward.

7. A social service agency serving as guardian of an incapacitated person shall notify the court within fifteen days after any change in the identity of the professional individual who has primary responsibility for providing guardianship services to the incapacitated person.

8. Any social service agency serving as guardian may not provide other services to the ward.

**9. In the absence of any written direction from the ward to the contrary, a guardian may execute a preneed contract for the ward's funeral services, including cremation, or an irrevocable life insurance policy to pay for the ward's funeral services, including cremation, and authorize the payment of such services from the ward's resources. Nothing in this section shall interfere with the rights of next-of-kin to direct the disposition of the body of the ward upon death under section 194.119. If a preneed arrangement such as that authorized by this subsection is in place and no next-of-kin exercises the right of sepulcher within ten days of the death of the ward, the guardian may sign consents for the disposition of the body, including cremation, without any liability therefor. A guardian who exercises the authority granted in this subsection shall not be personally financially responsible for the payment of services.**

**SECTION 1. DIRECTOR OF DNR AUTHORIZED TO CONVEY PROPERTY IN CITY OF INDEPENDENCE, JACKSON COUNTY. — 1. The director of the department of natural resources is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim to all interest of the department of natural resources in property located in Jackson County, Missouri, to the City of Independence. The property to be conveyed is more particularly described as follows:**

**TRACT I:**

All of Lots 5, 8, 9 and 12, Catherine Atkins Subdivision of Lot 7 of Woodson's Subdivision of Lots 93, 130, 131 and 142, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, lying North of the Lexington Branch of the Missouri Pacific Railroad.

**TRACT III:**

All of the West half of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, lying North of the Lexington Branch of the Missouri Pacific Railroad.

**TRACT IV:**

All of the South 281 ½ feet of the East ahlf of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, except the South 166 ½ feet thereof and except ALL that part of Lot 141. OLD TOWN INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, described as follows: Commencing at the Southeast corner of said Lot 141; thence North along the East line of said Lot 141, a distance of 166 ½ feet to the true point of beginning; thence continuing North along said East line of said Lot 141, a distance of 115 feet; thence West 100 feet; thence South 115 feet; thence East to the point of beginning, according to the recorded plat thereof.

**TRACT V:**

All of the West half of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, lying South of the

**Lexington Branch of the Missouri Pacific Railroad, except the South 166 ½ feet thereof.**

**TRACT II:**

**All of Lot 12, Catherine Atkins Subdivision of Lot 7 of Woodson's Subdivision of Lots 93, 130, 131 and 142, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri lying South of the Lexington Branch of Missouri Pacific Railroad.**

**TRACT VI:**

**All of the South 166 ½ feet of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, except the South 30 feet thereof in street.**

**Eugene L. Selders and Monica T. Selders were husband and wife when they acquired title to the premises in question and remained husband and wife, continuously, never having been divorced, until the date of his death on June 24, 1979 at Kansas City, Jackson County, Missouri.**

**2. The director of the department of natural resources 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, and the time, place, and terms of the conveyance.**

**3. The attorney general shall approve the form of the instrument of conveyance.**

**[473.747. PUBLIC ADMINISTRATOR SHALL BE EX OFFICIO PUBLIC CONSERVATOR. — The public administrator shall be ex officio public conservator and shall have charge of all estates of minors that may, by the order of the court, be placed in the public administrator's charge, and in such cases the public administrator shall be known and designated as public conservator.]**

Approved July 11, 2017

SB 139 [CCS HCS SCS SB 139]

**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 208.227, 208.790, 208.798, and 334.506, RSMo, and to enact in lieu thereof eight new sections relating to health care.**

**SECTION**

- A. Enacting clause.
- 196.990. Epinephrine auto-injectors, authorized entities may stock supply—definitions—procedure—immunity from liability—applicability.
- 208.227. Psychotropic medications, access to.
- 208.229. Rebates on outpatient drugs—definitions.
- 208.790. Applicants required to have fixed place of residence, rules—eligibility income limits subject to appropriations, rules.
- 208.798. Termination date.
- 334.506. Physical therapists may provide certain services without prescription or direction of an approved health care provider, when—limitations.
- 338.700. Definitions.
- 338.710. Program created, goal—authority of board—evaluation report—expiration date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 208.227, 208.790, 208.798, and 334.506, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 196.990, 208.227, 208.229, 208.790, 208.798, 334.506, 338.700, and 338.710, to read as follows:

**196.990. EPINEPHRINE AUTO-INJECTORS, AUTHORIZED ENTITIES MAY STOCK SUPPLY —DEFINITIONS—PROCEDURE—IMMUNITY FROM LIABILITY—APPLICABILITY. — 1. AS used in this section, the following terms shall mean:**

(1) "Administer", the direct application of an epinephrine auto-injector to the body of an individual;

(2) "Authorized entity", any entity or organization at or in connection with which allergens capable of causing anaphylaxis may be present including, but not limited to, restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas. "Authorized entity" shall not include any public school or public charter school;

(3) "Epinephrine auto-injector", a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;

(4) "Physician", a physician licensed in this state under chapter 334;

(5) "Provide", the supply of one or more epinephrine auto-injectors to an individual;

(6) "Self-administration", a person's discretionary use of an epinephrine auto-injector.

2. A physician may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists, physicians, and other persons authorized to dispense prescription medications may dispense epinephrine auto-injectors under a prescription issued in the name of an authorized entity.

3. An authorized entity may acquire and stock a supply of epinephrine auto-injectors under a prescription issued in accordance with this section. Such epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use and any additional requirements established by the department of health and senior services by rule. An authorized entity shall designate employees or agents who have completed the training required under this section to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

4. An authorized entity that acquires a supply of epinephrine auto-injectors under a prescription issued in accordance with this section shall ensure that:

(1) Expected epinephrine auto-injector users receive training in recognizing symptoms of severe allergic reactions including anaphylaxis and the use of epinephrine auto-injectors from a nationally recognized organization experienced in training laypersons in emergency health treatment or another entity or person approved by the department of health and senior services;

(2) All epinephrine auto-injectors are maintained and stored according to the epinephrine auto-injector's instructions for use;

(3) Any person who provides or administers an epinephrine auto-injector to an individual who the person believes in good faith is experiencing anaphylaxis activates the emergency medical services system as soon as possible; and

(4) A proper review of all situations in which an epinephrine auto-injector is used to render emergency care is conducted.

5. Any authorized entity that acquires a supply of epinephrine auto-injectors under a prescription issued in accordance with this section shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the epinephrine auto-injectors are to be located within the entity's facility.

6. No person shall provide or administer an epinephrine auto-injector to any individual who is under eighteen years of age without the verbal consent of a parent or guardian who is present at the time when provision or administration of the epinephrine auto-injector is needed. Provided, however, that a person may provide or administer an epinephrine auto-injector to such an individual without the consent of a parent or guardian if the parent or guardian is not physically present and the person reasonably believes the individual shall be in imminent danger without the provision or administration of the epinephrine auto-injector.

7. The following persons and entities shall not be liable for any injuries or related damages that result from the administration or self-administration of an epinephrine auto-injector in accordance with this section that may constitute ordinary negligence:

- (1) An authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents, and other trained persons;
- (2) Any person who uses an epinephrine auto-injector made available under this section;
- (3) A physician that prescribes epinephrine auto-injectors to an authorized entity; or
- (4) Any person or entity that conducts the training described in this section.

Such immunity does not apply to acts or omissions constituting a reckless disregard for the safety of others or willful or wanton conduct. The administration of an epinephrine auto-injector in accordance with this section shall not be considered the practice of medicine. The immunity from liability provided under this subsection is in addition to and not in lieu of that provided under section 537.037. An authorized entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector by its employees or agents outside of this state if the entity or its employee or agent is not liable for such injuries or related damages under the laws of the state in which such provision or administration occurred. No trained person who is in compliance with this section and who in good faith and exercising reasonable care fails to administer an epinephrine auto-injector shall be liable for such failure.

8. All basic life support ambulances and stretcher vans operated in the state shall be equipped with epinephrine auto-injectors and be staffed by at least one individual trained in the use of epinephrine auto-injectors.

9. The provisions of this section shall apply in all counties within the state and any city not within a county.

10. Nothing in this section shall be construed as superseding the provisions of section 167.630.

**208.227. PSYCHOTROPIC MEDICATIONS, ACCESS TO.** — [Fee for service eligible policies for prescribing psychotropic medications shall not include any new limits to initial access requirements, except dose optimization or new drug combinations consisting of one or more existing drug entities or preference algorithms for SSRI antidepressants, for persons with mental illness diagnosis, or other illnesses for which treatment with psychotropic medications are indicated and the drug has been approved by the federal Food and Drug Administration for at least one indication and is a recognized treatment in one of the standard reference compendia or in substantially accepted peer-reviewed medical literature and deemed medically appropriate for a diagnosis.] **1.** No restrictions to access shall be imposed that preclude availability of any individual atypical antipsychotic monotherapy for the treatment of schizophrenia, bipolar disorder, or psychosis associated with severe depression. **The division shall establish a pharmaceutical case management or polypharmacy program for high-risk MO HealthNet participants with numerous or multiple prescribed drugs. The division shall also establish a behavioral health pharmacy and opioid surveillance program to encourage the use of**

best medical evidence-supported prescription practices. The division shall communicate with providers, as such term is defined in section 208.164, whose prescribing practices deviate from or do not otherwise utilize best medical evidence-supported prescription practices. The communication may be telemetric, written, oral, or some combination thereof. These programs shall be established and administered through processes established and supported under a memorandum of understanding between the department of mental health and the department of social services, or their successor entities.

2. The provisions of this section shall not prohibit the division from utilizing clinical edits to ensure clinical best practices including, but not limited to:

- (1) Drug safety and avoidance of harmful drug interactions;
- (2) Compliance with nationally recognized and juried clinical guidelines from national medical associations using medical evidence and emphasizing best practice principles;
- (3) Detection of patients receiving prescription drugs from multiple prescribers; and
- (4) Detection, prevention, and treatment of substance use disorders.

3. The division shall issue a provider update no less than twice annually to enumerate treatment and utilization principles for MO HealthNet providers including, but not limited to:

- (1) Treatment with antipsychotic drugs, as with any other form of treatment, should be individualized in order to optimize the patient's recovery and stability;
- (2) Treatment with antipsychotic drugs should be as effective, safe, and well-tolerated as supported by best medical evidence;
- (3) Treatment with antipsychotic drugs should consider the individual patient's needs, preferences, and vulnerabilities;
- (4) Treatment with antipsychotic drugs should support an improved quality of life for the patient;
- (5) Treatment choices should be informed by the best current medical evidence and should be updated consistent with evolving nationally recognized best practice guidelines; and

(6) Cost considerations in the context of best practices, efficacy, and patient response to adverse drug reactions should guide antipsychotic medication policy and selection once the preceding principles have been maximally achieved.

4. If the division implements any new policy or clinical edit for an antipsychotic drug, the division shall continue to allow MO HealthNet participants access to any antipsychotic drug that they utilize and on which they are stable or that they have successfully utilized previously. The division shall adhere to the following:

- (1) If an antipsychotic drug listed as "nonpreferred" is considered clinically appropriate for an individual patient based on the patient's previous response to the drug or other medical considerations, prior authorization procedures, as such term is defined in section 208.164, shall be simple and flexible;
- (2) If an antipsychotic drug listed as "nonpreferred" is known or found to be safe and effective for a given individual, the division shall not restrict the patient's access to that drug. Such nonpreferred drug shall, for that patient only and if that patient has been reasonably adherent to the prescribed therapy, be considered "preferred" in order to minimize the risk of relapse and to support continuity of care for the patient;
- (3) A patient shall not be required to change antipsychotic drugs due to changes in medication management policy, prior authorization, or a change in the payor responsible for the benefit; and
- (4) Patients transferring from state psychiatric hospitals to community-based settings, including patients previously found to be not guilty of a criminal offense by reason of insanity or who have previously been found to be incompetent to stand trial, shall be

permitted to continue the medication regimen that aided the stability and recovery so that such patient was able to successfully transition to the community-based setting.

5. The division's medication policy and clinical edits shall provide MO HealthNet participants initial access to multiple Food and Drug Administration-approved antipsychotic drugs that have substantially the same clinical differences and adverse effects that are predictable across individual patients and whose manufacturers have entered into a federal rebate agreement with the Department of Health and Human Services. Clinical differences may include, but not be limited to, weight gain, extrapyramidal side effects, sedation, susceptibility to metabolic syndrome, other substantial adverse effects, the availability of long-acting formulations, and proven efficacy in the treatment of psychosis. The available drugs for an individual patient shall include, but not be limited to, the following categories:

- (1) At least one relatively weight-neutral atypical antipsychotic medication;
- (2) At least one long-acting injectable formulation of an atypical antipsychotic;
- (3) Clozapine;
- (4) At least one atypical antipsychotic medication with relatively potent sedative effects;
- (5) At least one medium-potency typical antipsychotic medication;
- (6) At least one long-acting injectable formulation of a high-potency typical antipsychotic medication;
- (7) At least one high-potency typical antipsychotic medication; and
- (8) At least one low-potency typical antipsychotic medication.

6. Nothing in subsection 5 of this section shall be construed to require any of the following:

- (1) Step therapy or a trial of a typical antipsychotic drug before permitting a patient access to an atypical drug or antipsychotic medication;
- (2) A limit of one atypical antipsychotic drug as an open-access, first-choice agent; or
- (3) A trial of one of the eight categories of drugs listed in subsection 5 of this section before having access to the other seven categories.

7. The department of social services may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

8. 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.

9. As used in this section, the following terms mean:

- (1) "Division", the MO HealthNet division of the department of social services;
- (2) "Reasonably adherent", a patient's adherence to taking medication on a prescribed schedule as measured by a medication position ratio of at least seventy-five percent;
- (3) "Successfully utilized previously", a drug or drug regimen's provision of clinical stability in treating a patient's symptoms.

**208.229. REBATES ON OUTPATIENT DRUGS — DEFINITIONS. — 1. Pharmaceutical manufacturers shall pay to the state, in accordance with 42 U.S.C. Section 1396r-8, rebates**



on eligible utilization of covered outpatient drugs dispensed to MO HealthNet participants under the MO HealthNet pharmacy program as follows:

(1) For single source drugs and innovator multiple source drugs, rebates shall reflect the manufacturer's best price, as defined by 42 CFR 447.505, as updated and amended, and set forth in 42 CFR 447.509, as updated and amended; and

(2) For single source drugs and innovator and noninnovator multiple source drugs, any additional rebates necessary to account for certain price increases in excess of inflation, as set forth in 42 CFR 447.509, as updated and amended.

2. For purposes of this section, the terms "innovator multiple source drug", "noninnovator multiple source drug", and "single source drug" shall have the same meanings as defined in 42 CFR 447.502, as updated and amended.

**208.790. APPLICANTS REQUIRED TO HAVE FIXED PLACE OF RESIDENCE, RULES — ELIGIBILITY INCOME LIMITS SUBJECT TO APPROPRIATIONS, RULES.** — 1. The applicant shall have or intend to have a fixed place of residence in Missouri, with the present intent of maintaining a permanent home in Missouri for the indefinite future. The burden of establishing proof of residence within this state is on the applicant. The requirement also applies to persons residing in long-term care facilities located in the state of Missouri.

2. The department shall promulgate rules outlining standards for documenting proof of residence in Missouri. Documents used to show proof of residence shall include the applicant's name and address in the state of Missouri.

3. Applicant household income limits for eligibility shall be subject to appropriations, but in no event shall applicants have household income that is greater than one hundred eighty-five percent of the federal poverty level for the applicable family size for the applicable year as converted to the MAGI equivalent net income standard. **The provisions of this subsection shall only apply to Medicaid dual eligible individuals.**

4. The department shall promulgate rules outlining standards for documenting proof of household income.

**208.798. TERMINATION DATE.** — The provisions of sections 208.780 to 208.798 shall terminate on August 28, [2017] **2022**.

**334.506. PHYSICAL THERAPISTS MAY PROVIDE CERTAIN SERVICES WITHOUT PRESCRIPTION OR DIRECTION OF AN APPROVED HEALTH CARE PROVIDER, WHEN — LIMITATIONS.** — 1. As used in this section, "approved health care provider" means a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing.

2. A physical therapist shall not initiate treatment for a new injury or illness without a prescription from an approved health care provider.

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs for asymptomatic persons, or provide screening or consultative services within the scope of physical therapy practice without the prescription and direction of an approved health care provider.

4. A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:

(1) Contact the patient's current approved health care provider within seven days of initiating physical therapy services under this subsection;

(2) Not change an existing physical therapy referral available to the physical therapist without approval of the patient's current approved health care provider;

(3) Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy;

(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;

(5) Notify the patient's current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical therapist shall provide such notification for each successive period of thirty days.

5. The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the provisions of subsection 4 of this section may be delegated by physical therapists to physical therapist assistants only if the patient's current approved health care provider has been so informed as part of the physical therapist's seven-day notification upon reinitiation of physical therapy services as required in subsection 4 of this section. Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of an approved health care provider. Nothing in this subsection shall prohibit an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission [for] on Accreditation [of] in Physical [Therapists and Physical Therapist Assistant] **Therapy** Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under [on-site] **the** supervision of a physical therapist.

**338.700. DEFINITIONS.** — As used in sections 338.700 to 338.710, the following terms shall mean:

- (1) "Board", the Missouri board of pharmacy;
- (2) "Department", the Missouri department of health and senior services;
- (3) "Program", the RX cares for Missouri program.

**338.710. PROGRAM CREATED, GOAL — AUTHORITY OF BOARD — EVALUATION REPORT — EXPIRATION DATE.** — 1. There is hereby created in the Missouri board of pharmacy the "RX Cares for Missouri Program". The goal of the program shall be to promote medication safety and to prevent prescription drug abuse, misuse, and diversion in Missouri.

2. The board, in consultation with the department, shall be authorized to expend, allocate, or award funds appropriated to the board to private or public entities to develop or provide programs or education to promote medication safety or to suppress or prevent prescription drug abuse, misuse, and diversion in the state of Missouri. In no case shall the authorization include, nor the funds be expended for, any state prescription drug monitoring program including, but not limited to, such as are defined in 38 CFR 1.515.

**Funds disbursed to a state agency under this section may enhance, but shall not supplant, funds otherwise appropriated to such state agency.**

**3. The board shall be the administrative agency responsible for implementing the program in consultation with the department. The board and the department may enter into interagency agreements between themselves to allow the department to assist in the management or operation of the program. The board may award funds directly to the department to implement, manage, develop, or provide programs or education pursuant to the program.**

**4. After a full year of program operation, the board shall prepare and submit an evaluation report to the governor and the general assembly describing the operation of the program and the funds allocated. Unless otherwise authorized by the general assembly, the program shall expire on August 28, 2019.**

Approved June 30, 2017

SB 160 [HCS SS SCS SB 160]

**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 child protection**

AN ACT to repeal sections 21.771, 210.110, 210.152, 210.565, 211.059, 211.081, 211.211, 211.351, 211.361, 211.401, 211.447, and 566.150, RSMo, and to enact in lieu thereof thirteen new sections relating to child protection, with penalty provisions and an emergency clause for certain sections.

SECTION

- A. Enacting clause.
- 21.771. Joint committee established, members, duties, meetings — expiration date.
- 210.110. Definitions.
- 210.152. Reports of abuse or neglect — division to retain certain information — confidential, released only to authorized persons — report removal, when — notice of agency's determination to retain or remove, sent when — case reopened, when — administrative review of determination — de novo judicial review.
- 210.564. Citation of law — foster care bill of rights.
- 210.565. Relatives of child shall be given foster home placement, when — relative, defined — order of preference — specific findings required, when — sibling placement — age of relative not a factor, when — federal requirements to be followed for placement of Native American children — waiver of certain standards, when — GAL to ascertain child's wishes, when.
- 211.059. Rights of child when taken into custody (Miranda warning) — rights of child in custody in abuse and neglect cases.
- 211.081. Preliminary inquiry as to institution of proceedings — approval of division necessary for placement outside state — institutional placements, findings required, duties of division, limitations on judge, financial limitations.
- 211.211. Right to counsel or guardian ad litem — counsel appointed, when — waiver.
- 211.351. Juvenile officers, appointment — costs paid, how — grievance review committee of circuit, appointment, members.
- 211.361. Qualifications of juvenile officer, how determined — effect on persons now in office.
- 211.401. Duties of juvenile officers — may make arrests — cooperation.
- 211.447. Juvenile officer preliminary inquiry, when — petition to terminate parental rights filed, when — juvenile court may terminate parental rights, when — investigation to be made — grounds for termination.
- 566.150. Certain offenders not to be present or loiter within five hundred feet of a public park, swimming pool, or museum — violation, penalty.
- B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.** — Sections 21.771, 210.110, 210.152, 210.565, 211.059, 211.081, 211.211, 211.351, 211.361, 211.401, 211.447, and 566.150, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 21.771, 210.110, 210.152, 210.564, 210.565, 211.059, 211.081, 211.211, 211.351, 211.361, 211.401, 211.447, and 566.150, to read as follows:

**21.771. JOINT COMMITTEE ESTABLISHED, MEMBERS, DUTIES, MEETINGS — EXPIRATION DATE.** — 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;

(2) Devise a plan for improving the structured decision making regarding the removal of a child from a home;

(3) Determine the additional personnel and resources necessary to adequately protect the children of this state and improve their welfare and the welfare of families;

(4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;

(5) Determine from its study and analysis the need for changes in statutory law;

(6) Make any other recommendation to the general assembly necessary to provide adequate protections for the children of our state; and

(7) Make recommendations on how to improve abuse and neglect proceedings including examining the role of the judge, children's division, the juvenile officer, the guardian ad litem, and the foster parents.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

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 entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on [January 15, 2018] **January 15, 2023**.

**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. **Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);**

(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, 565.050, 566.030, 566.060, or 567.050 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, 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 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. **Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);**

(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] **includes, but is not limited to:**

**(a) The parents or [ guardian] legal guardians of a child[.];**

**(b) Other members of the child's household[ , or];**

**(c) 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];**

**(d) Any [ adult] person who[ ,] has access to the child based on relationship to the parents of the child[, or members of the child's household or the family], has access to the child]; or**

**(e) Any person who takes control of the child by deception, force, or coercion.**

**210.152. REPORTS OF ABUSE OR NEGLECT — DIVISION TO RETAIN CERTAIN INFORMATION — CONFIDENTIAL, RELEASED ONLY TO AUTHORIZED PERSONS — REPORT REMOVAL, WHEN — NOTICE OF AGENCY'S DETERMINATION TO RETAIN OR REMOVE, SENT WHEN — CASE REOPENED, WHEN — ADMINISTRATIVE REVIEW OF DETERMINATION — DE NOVO JUDICIAL REVIEW. — 1.** All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, identifying information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for five years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for two years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall be removed from the records of the division and destroyed;

**(d) For investigation reports where the identification of the specific perpetrator or perpetrators cannot be substantiated and the division has specific evidence to determine that a child was abused or neglected, the division shall retain the report and all identifying information but shall not place an unknown perpetrator on the central registry. The division shall retain all identifying information for the purpose of utilizing such information in subsequent investigations or family assessments of the same child, the child's family, or members of the child's household. The division shall retain and disclose information and findings in the same manner as the division retains and discloses family assessments. If the division made a finding of abuse or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator from the central registry but shall retain and utilize all identifying information as otherwise provided in this section;**

(3) For reports where the division uses the family assessment and services approach, identifying information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for ten years from the date of the report and then shall be removed from the records of the division.

2. Within ninety days, or within one hundred twenty days in cases involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality, after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all identifying information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 4 of this section; [or]

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists; or

**(3) The division has been unable to determine the identity of the perpetrator of the abuse or neglect. The notice shall also inform the child's parents and legal guardian that the division shall retain, utilize, and disclose all information and findings as provided in family assessment and services cases.**

3. The children's division may reopen a case for review [at the request of the alleged perpetrator, the alleged victim, or the office of the child advocate] if new, specific, and credible

evidence is obtained [that the division's decision was based on fraud or misrepresentation of material facts relevant to the division's decision and there is credible evidence that absent such fraud or misrepresentation the division's decision would have been different. If the alleged victim is under the age of eighteen, the request for review may be made by the alleged victim's parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall be made within a reasonable time and not more than one year after the children's division made its decision. The division shall not reopen a case for review based on any information which the person requesting the review knew, should have known, or could by the exercise of reasonable care have known before the date of the division's final decision in the case, unless the person requesting the review shows by a preponderance of the evidence that he or she could not have provided such information to the division before the date of the division's final decision in the case. Any person, other than the office of the child advocate, who makes a request to reopen a case for review based on facts which the person knows to be false or misleading or who acts in bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity from any liability, civil or criminal, for providing the information and requesting that the division reopen the investigation. Any person who makes a request to reopen an investigation based on facts which the person knows to be false shall be guilty of a class A misdemeanor. The children's division shall not reopen an investigation under any circumstances while the case is pending before a court of this state nor when a court has entered a final judgment after de novo judicial review pursuant to this section].

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges.

5. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

7. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

**210.564. CITATION OF LAW — FOSTER CARE BILL OF RIGHTS. — 1. This section shall be known and may be cited as the "Foster Care Bill of Rights".**

**2. The children's division shall provide every school-aged foster child and his or her foster parent with an age-appropriate orientation and explanation of the foster care bill**

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of rights. Any children's division office, residential care facility, child placing agency, or other agency involved in the care and placement of foster children shall post the foster care bill of rights in the office, facility, or agency. The children's division shall also make the foster care bill of rights readily available and easily accessible online.

3. The foster care bill of rights shall be as follows:

(1) In all circumstances, the best interests of the child shall be the first priority of the children's division;

(2) Recognizing the importance of familial stability in foster care and adoption placement, it shall be the practice of the children's division, when appropriate, to support a child's return to the custody and care of the parents or guardians with whom the child resided immediately prior to state custody;

(3) When restoration of care and custody is not appropriate or possible, the children's division shall attempt to place the child with suitable relatives in accordance with section 210.565;

(4) The children's division shall further support familial stability by ensuring continuity of foster placement, except in instances where cause for a change in a child's placement is reasonably found;

(5) The children's division shall work with each child in state custody to develop both a permanency plan and a case plan. These plans shall be developed within twelve months of a child's entrance into state custody. The permanency plan shall include the child's immediate and long-term placement goals, while the case plan shall address a child's specific medical and emotional needs;

(6) Recognizing the value of familial relationships in foster care and adoption settings, it shall be the practice of the children's division to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, it shall be the practice of the children's division to support regular visitation and communication between siblings in state custody, and between children in state custody and their parents and relatives, where not otherwise prohibited or against a child's best interests; and

(7) The children's division shall support all children twelve years of age or older in state custody to attend any hearings pertaining to the child's placement, custody, or care, provided that the child is willing and able to attend such hearings, and that attending such hearings is in the best interests of the child.

**210.565. RELATIVES OF CHILD SHALL BE GIVEN FOSTER HOME PLACEMENT, WHEN — RELATIVE, DEFINED — ORDER OF PREFERENCE — SPECIFIC FINDINGS REQUIRED, WHEN — SIBLING PLACEMENT — AGE OF RELATIVE NOT A FACTOR, WHEN — FEDERAL REQUIREMENTS TO BE FOLLOWED FOR PLACEMENT OF NATIVE AMERICAN CHILDREN — WAIVER OF CERTAIN STANDARDS, WHEN — GAL TO ASCERTAIN CHILD'S WISHES, WHEN.**

— 1. Whenever a child is placed in a foster home and the court has determined pursuant to subsection 4 of this section that foster home placement with relatives is not contrary to the best interest of the child, the children's division shall give foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary, the children's division shall make diligent efforts to locate the grandparents of the child and determine whether they wish to be considered for placement of the child. Grandparents who request consideration shall be given preference and first consideration for foster home placement of the child. If more than one grandparent requests consideration, the family support team shall make recommendations to the juvenile or family court about which grandparent should be considered for placement.

2. As used in this section, the term "relative" means a grandparent or any other person related to another by blood or affinity [within the third degree] or a **person who is not so related to the child but has a close relationship with the child or the child's family**. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter.

3. The following shall be the order or preference for placement of a child under this section:

(1) Grandparents [and];

(2) **Relatives related by blood or affinity within the third degree;**

[(2) A trusted adult that has a preexisting relationship with the child, such as a godparent, teacher, neighbor, or fellow parishioner who voluntarily agrees to care for the child; and]

(3) **Other relatives; and**

(4) **Any foster parent who is currently licensed and capable of accepting placement of the child.**

4. The preference for placement and first consideration for grandparents or preference for placement with other relatives created by this section shall only apply where the court finds that placement with such grandparents or other relatives is not contrary to the best interest of the child considering all circumstances. If the court finds that it is contrary to the best interest of a child to be placed with grandparents or other relatives, the court shall make specific findings on the record detailing the reasons why the best interests of the child necessitate placement of the child with persons other than grandparents or other relatives.

5. Recognizing the critical nature of sibling bonds for children, the children's division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the children's division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being.

6. The age of the child's grandparent or other relative shall not be the only factor that the children's division takes into consideration when it makes placement decisions and recommendations to the court about placing the child with such grandparent or other relative.

7. For any Native American child placed in protective custody, the children's division shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

8. A grandparent or other relative may, on a case-by-case basis, have standards for licensure not related to safety waived for specific children in care that would otherwise impede licensing of the grandparent's or relative's home. In addition, any person receiving a preference may be licensed in an expedited manner if a child is placed under such person's care.

9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her placement by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered as a factor in placement decisions and recommendations, but shall not supersede the preference for relative placement created by this section or be contrary to the child's best interests.

**211.059. RIGHTS OF CHILD WHEN TAKEN INTO CUSTODY (MIRANDA WARNING) — RIGHTS OF CHILD IN CUSTODY IN ABUSE AND NEGLECT CASES. — 1. When a child is taken into custody by a juvenile officer or law enforcement official, with or without a warrant for an offense in violation of the juvenile code or the general law which would place the child under the jurisdiction of the juvenile court pursuant to subdivision (2) or (3) of subsection 1 of section 211.031, the child shall be advised, orally and in writing, prior to questioning:**

(1) That [he] **the child** has the right to remain silent; [and]

(2) That any statement [he] **the child** does make to anyone can be and may be used against [him] **the child in subsequent juvenile court proceedings;** [and]

(3) That [he] **the child** has a right to have a parent, guardian or custodian present during questioning; [and]

(4) That [he] **the child** has a right to consult with an attorney and that one will be appointed and paid for him if he cannot afford one;

(5) **That the child has the right to stop talking at any time; and**

(6) **That any statement the child does make to law enforcement can be and may be used against the child if the child is transferred to a court of general jurisdiction to be prosecuted under the general law.**

2. [If the child indicates in any manner and at any stage of questioning pursuant to this section that he does not wish to be questioned further, the officer shall cease questioning.] **The juvenile officer shall halt or discontinue any questioning by law enforcement upon notice from the child that the child wishes to stop being questioned.**

3. **The juvenile officer shall ensure a child is advised of the limited role of the juvenile officer during questioning by law enforcement and specifically advise the child that the juvenile officer is not legal counsel for the child or an advocate for the child during questioning by law enforcement.**

4. **The juvenile officer shall not participate in the questioning by law enforcement by asking any questions or soliciting any information from the child regarding the alleged offense or offenses.**

5. **When a child is taken into custody by a juvenile officer or law enforcement official which places the child under the jurisdiction of the juvenile court under subdivision (1) of subsection 1 of section 211.031, including any interactions with the child by the children's division, the following shall apply:**

(1) **If the child indicates in any manner at any stage during questioning involving the alleged abuse and neglect that the child does not wish to be questioned any further on the allegations, or that the child wishes to have his or her parent, legal guardian, or custodian if such parent, guardian, or custodian is not the alleged perpetrator, or his or her attorney present during questioning as to the alleged abuse, the questioning of the child shall cease on the alleged abuse and neglect until such a time that the child does not object to talking about the alleged abuse and neglect unless the interviewer has reason to believe that the parent, legal guardian, or custodian is acting to protect the alleged perpetrator. Nothing in this subdivision shall be construed to prevent the asking of any questions necessary for the care, treatment, or placement of a child; and**

(2) **Notwithstanding any prohibition of hearsay evidence, all video or audio recordings of any meetings, interviews, or interrogations of a child shall be presumed admissible as evidence in any court or administrative proceeding involving the child if the following conditions are met:**

(a) **Such meetings, interviews, or interrogations of the child are conducted by the state prior to or after the child is taken into the custody of the state; and**

(b) **Such video or audio recordings were made prior to the adjudication hearing in the case. Nothing in this paragraph shall be construed to prohibit the videotaping or audiotaping of any such meetings, interviews, or interrogations of a child after the adjudication hearing; and**

(3) **Only upon a showing by clear and convincing evidence that such a video or audio recording lacks sufficient indicia of reliability shall such recording be inadmissible.**

**The provisions of this subsection shall not apply to statements admissible under section 491.075 or 492.304 in criminal proceedings.**

**211.081. PRELIMINARY INQUIRY AS TO INSTITUTION OF PROCEEDINGS — APPROVAL OF DIVISION NECESSARY FOR PLACEMENT OUTSIDE STATE — INSTITUTIONAL PLACEMENTS, FINDINGS REQUIRED, DUTIES OF DIVISION, LIMITATIONS ON JUDGE, FINANCIAL LIMITATIONS. — 1. Whenever any person informs the [court in person and] juvenile officer in writing that a child appears to be within the purview of applicable provisions of section 211.031 or that a**

person seventeen years of age appears to be within the purview of the provisions of subdivision (1) of subsection 1 of section 211.031, the [court] **juvenile officer** shall make or cause to be made a preliminary inquiry to determine the facts and to determine whether or not the interests of the public or of the child or person seventeen years of age require that further action be taken. On the basis of this inquiry, the juvenile [court] **officer** may make such informal adjustment as is practicable without a petition or [may authorize the filing of a petition by the juvenile officer] **file a petition**. Any other provision of this chapter to the contrary notwithstanding, the juvenile court shall not make any order for disposition of a child or person seventeen years of age which would place or commit the child or person seventeen years of age to any location outside the state of Missouri without first receiving the approval of the children's division.

2. Placement in any institutional setting shall represent the least restrictive appropriate placement for the child or person seventeen years of age and shall be recommended based upon a psychological or psychiatric evaluation or both. Prior to entering any order for disposition of a child or person seventeen years of age which would order residential treatment or other services inside the state of Missouri, the juvenile court shall enter findings which include the recommendation of the psychological or psychiatric evaluation or both; and certification from the division director or designee as to whether a provider or funds or both are available, including a projection of their future availability. If the children's division indicates that funding is not available, the division shall recommend and make available for placement by the court an alternative placement for the child or person seventeen years of age. The division shall have the burden of demonstrating that they have exercised due diligence in utilizing all available services to carry out the recommendation of the evaluation team and serve the best interest of the child or person seventeen years of age. The judge shall not order placement or an alternative placement with a specific provider but may reasonably designate the scope and type of the services which shall be provided by the department to the child or person seventeen years of age.

3. Obligations of the state incurred under the provisions of section 211.181 shall not exceed, in any fiscal year, the amount appropriated for this purpose.

**211.211. RIGHT TO COUNSEL OR GUARDIAN AD LITEM — COUNSEL APPOINTED, WHEN — WAIVER. —** 1. A [party] **child** is entitled to be represented by counsel in all proceedings **under subdivision (2) or (3) of subsection 1 of section 211.031 and by a guardian ad litem in all proceedings under subdivision (1) of subsection 1 of section 211.031.**

2. The court shall appoint counsel for a child prior to the filing of a petition if a request is made therefor to the court and the court finds that the child is the subject of a juvenile court proceeding and that the child making the request is indigent.

3. When a petition has been filed **under subdivision (2) or (3) of subsection 1 of section 211.031**, the court shall appoint counsel for the child [when necessary to assure a full and fair hearing] **except if private counsel has entered his or her appearance on behalf of the child or if counsel has been waived in accordance with law.**

4. When a petition has been filed and the child's custodian appears before the court without counsel, the court shall appoint counsel for the custodian if it finds:

- (1) That the custodian is indigent; and
- (2) That the custodian desires the appointment of counsel; and
- (3) That a full and fair hearing requires appointment of counsel for the custodian.

5. Counsel shall be allowed a reasonable time in which to prepare to represent his client.

6. Counsel shall serve for all stages of the proceedings, including appeal, unless relieved by the court for good cause shown. If no appeal is taken, services of counsel are terminated following the entry of an order of disposition.

7. The child and his custodian may be represented by the same counsel except where a conflict of interest exists. Where it appears to the court that a conflict exists, it shall order that the child and his custodian be represented by separate counsel, and it shall appoint counsel if required by subsection 3 or 4 of this section.

8. When a petition has been filed, a child may waive his right to counsel only with the approval of the court.

9. Waiver of counsel by a child may be withdrawn at any stage of the proceeding, in which event the court shall appoint counsel for the child if required by subsection 3 of this section.

**211.351. JUVENILE OFFICERS, APPOINTMENT — COSTS PAID, HOW — GRIEVANCE REVIEW COMMITTEE OF CIRCUIT, APPOINTMENT, MEMBERS.** — 1. The [juvenile] court **or the family court administrator in circuits where a family court administrator has been appointed to act as the appointing authority under section 487.060** shall appoint a juvenile officer and other necessary juvenile court personnel to serve under the direction of the court in each county of the first and second class and the circuit judge in circuits comprised of third and fourth class counties:

(1) May appoint a juvenile officer and other necessary personnel to serve the judicial circuit; or

(2) Circuit judges of any two or more adjoining circuits may by agreement, confirmed by judicial order, appoint a juvenile officer and other necessary personnel to serve their respective judicial circuits and, in such a case, the juvenile officers and other persons appointed shall serve under the joint direction of the judges so agreeing.

2. **The presiding judge of the circuit shall ensure that any case in the family court or juvenile court division in which a juvenile officer is a participant is not heard by a judge who is the appointing authority for the juvenile officer or other necessary juvenile employees.**

3. In the event a juvenile officer and other juvenile court personnel are appointed to serve as provided in subdivisions (1) and (2) of subsection 1 of this section, the total cost to the counties for the compensation of these persons shall be prorated among the several counties and upon a ratio to be determined by a comparison of the respective populations of the counties.

[3.] 4. In each judicial circuit, a grievance review committee shall be appointed by the circuit court en banc to serve as final administrative authority of a grievance regarding personnel policy or action that negatively affects an employee of the family court and/or juvenile court who is not governed by the Missouri circuit court personnel system. The grievance review committee may be comprised of either the circuit court en banc, a committee of not less than three circuit or associate circuit judges, or other body established by local court rule.

**211.361. QUALIFICATIONS OF JUVENILE OFFICER, HOW DETERMINED — EFFECT ON PERSONS NOW IN OFFICE.** — 1. Whenever the need arises for the appointment of a juvenile officer, the [juvenile] court **or the family court administrator in circuits where a family court administrator has been appointed to act as the appointing authority under section 487.060** shall either:

(1) Provide, by rule of court, for open competitive written and oral examinations and create an eligible list of persons who possess the qualifications prescribed by subdivision (2) and who have successfully passed such examination; or

(2) Appoint any person over the age of twenty-one years who has completed satisfactorily four years of college education with a major in sociology or related subjects or who, in lieu of such academic training, has had four years or more experience in social work with juveniles in probation or allied services.

2. This section does not terminate the existing appointment nor present term of office of any juvenile officer or deputy juvenile officer in any county, but it applies to any appointment to be made after the existing appointment or term of office of any incumbent terminates or expires for any reason whatsoever.

**211.401. DUTIES OF JUVENILE OFFICERS — MAY MAKE ARRESTS — COOPERATION.** — 1. The juvenile officer shall[, under direction of the juvenile court]:

(1) Make such investigations and furnish the court with such information and assistance as the judge may [require] **order**;

(2) Keep a written record of such investigations and [submit reports thereon to the judge] **offer such reports into evidence in accordance with law**;

(3) Take charge of children before and after the hearing as may be [directed] **ordered** by the court;

(4) Perform such other duties and exercise such powers as the judge of the juvenile court may [direct] **order**.

2. The juvenile officer is vested with all the power and authority of sheriffs to make arrests and perform other duties incident to his office.

3. The juvenile officers or other persons acting as such in the several counties of the state shall cooperate with each other in carrying out the purposes and provisions of this chapter.

**211.447. JUVENILE OFFICER PRELIMINARY INQUIRY, WHEN — PETITION TO TERMINATE PARENTAL RIGHTS FILED, WHEN — JUVENILE COURT MAY TERMINATE PARENTAL RIGHTS, WHEN — INVESTIGATION TO BE MADE — GROUNDS FOR TERMINATION.**

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

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

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

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

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

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

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

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

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

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

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

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

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations

required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

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

- (1) The child is being cared for by a relative; or
- (2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or
- (3) The family of the child has not been provided such services as provided for in section 211.183.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. If the parent is the birth mother and within eight hours after the child's birth, the child's birth mother tested positive and over .08 blood alcohol content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case;

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

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

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

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

- (1) The emotional ties to the birth parent;
- (2) The extent to which the parent has maintained regular visitation or other contact with the child;
- (3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;
- (4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;
- (5) The parent's disinterest in or lack of commitment to the child;
- (6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;
- (7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

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

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

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

**566.150. CERTAIN OFFENDERS NOT TO BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A PUBLIC PARK, SWIMMING POOL, OR MUSEUM—VIOLATION, PENALTY.**— 1. Any person who has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section; shall not knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment [or], a public swimming pool, or any museum with the primary purpose of entertaining or educating children under eighteen years of age.

2. The first violation of the provisions of this section is a class E felony.

3. A second or subsequent violation of this section is a class D felony.

**SECTION B. EMERGENCY CLAUSE.**— Because immediate action is necessary to prevent any loss of federal funding for child welfare services in Missouri, the repeal and reenactment of

sections 210.110 and 210.152 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 sections 210.110 and 210.152 of section A of this act shall be in full force and effect upon its passage and approval.

Approved June 22, 2017

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SB 161 [HCS SCS SB 161]

**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 Ozark Exploration Bicentennial Commission**

AN ACT to amend chapter 620, RSMo, by adding thereto one new section relating to the Ozark exploration bicentennial commission.

SECTION

A. Enacting clause.  
620.2100. Commission established, members — fund established — duties of commission — expiration date.

*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 620.2100, to read as follows:

**620.2100. COMMISSION ESTABLISHED, MEMBERS — FUND ESTABLISHED — DUTIES OF COMMISSION — EXPIRATION DATE.** — 1. There is hereby established the "Ozark Exploration Bicentennial Commission".

2. The commission shall consist of the following members:

- (1) Two representatives appointed by the speaker of the house of representatives;
- (2) Two senators appointed by the president pro tempore of the senate;
- (3) One faculty member of Missouri State University appointed by university leadership;
- (4) The director of the division of tourism or his or her designee;
- (5) Two members representing historical societies within the area of exploration, one appointed by the speaker of the house of representatives and one appointed by the president pro tempore of the senate;
- (6) Two members of the public appointed by the speaker of the house of representatives; and
- (7) Two members of the public appointed by the president pro tempore of the senate.

3. Members of the commission shall be appointed by October 1, 2017.

4. Members of the commission shall serve without compensation. The division of tourism shall provide administrative support for the commission.

5. There is hereby established in the state treasury the "Ozark Exploration Bicentennial Fund" to be held separate and apart from all other public moneys and funds of the state. The fund may accept state and federal appropriations, grants, bequests, gifts, fees, and awards to be held for use by the Ozark exploration bicentennial commission. Notwithstanding the provisions of section 33.080 to the contrary, moneys remaining in the fund at the end of any biennium shall not revert to general revenue. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state

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treasurer may approve disbursements. 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 duties of the commission shall include, but not be limited to:

- (1) Organizing and coordinating efforts relating to the bicentennial celebration of the exploration of the Ozarks in 1819; and
- (2) Promoting public awareness of the importance and cultural significance of the exploration to Missouri history.

7. The commission shall be dissolved and the provisions of this section shall expire on June 30, 2019.

Approved June 20, 2017

SB 182 [SS SB 182]

**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 project labor agreements**

AN ACT to repeal sections 34.209, 34.212, and 34.216, RSMo, and to enact in lieu thereof three new sections relating to public contracts.

SECTION

- A. Enacting clause.
- 34.209. Requirements for certain contracts for construction, repair, remodeling, or demolition of facilities.
- 34.212. Grants, tax abatements or tax credits, and cooperative agreements for construction projects prohibited, when.
- 34.218. Violations, remedies — investigation of complaints.
- 34.216. Union-only project labor agreements permitted, when — compliance, procedure.

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

**SECTION A. ENACTING CLAUSE.** — Sections 34.209, 34.212, and 34.216, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 34.209, 34.212, and 34.218, to read as follows:

**34.209. REQUIREMENTS FOR CERTAIN CONTRACTS FOR CONSTRUCTION, REPAIR, REMODELING, OR DEMOLITION OF FACILITIES.** — **1.** The state, any agency of the state, any **political subdivision of the state**, or any instrumentality thereof, when engaged in procuring or letting contracts for construction [of a project that is funded by greater than fifty percent of state funds], **repair, remodeling, or demolition of a facility** shall ensure that bid specification, project agreements, and other controlling documents entered into, required, or subject to approval by the state, agency, **political subdivision**, or instrumentality do not:

- (1) Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations on the same or related projects; or
- [(2) Discriminate against bidders, offerors, contractors, or subcontractors for entering or refusing to enter or to remain signatory or otherwise adhere to agreements with one or more labor organizations on the same or related construction projects;]

**(2) Discriminate against, encourage, or give preferential treatment to bidders, offerors, contractors, or subcontractors for:**

- (a) Entering or refusing to enter agreements with one or more labor organizations on the same or related construction projects; or**

**(b) Remaining or refusing to remain signatory with one or more labor organizations on the same or related construction projects.**

**2. Nothing in this section shall be construed to prohibit the state, any agency of the state, any political subdivision of the state, or any instrumentality thereof from requiring bidders, offerors, contractors, or subcontractors, as a condition of receiving work or submitting a bid, to test its workers and employees for the presence of illegal drugs.**

**34.212. GRANTS, TAX ABATEMENTS OR TAX CREDITS, AND COOPERATIVE AGREEMENTS FOR CONSTRUCTION PROJECTS PROHIBITED, WHEN.** — 1. The state, any agency of the state, **any political subdivision of the state**, or any instrumentality thereof shall not issue or award grants, **tax abatements, or tax credits** or enter into cooperative agreements for construction projects **or for the improvement, maintenance, or renovation of real property or fixtures**, a condition of which requires that bid specifications, project agreements, or other controlling documents pertaining to the grant, **tax abatement, tax credit**, or cooperative agreement contain any of the elements specified in section 34.209.

2. The state, any agency of the state, **any political subdivision**, or any instrumentality thereof shall exercise such authority as may be required to preclude a grant, **tax abatement, or tax credit** recipient or party to a cooperative agreement from imposing any of the elements specified in section 34.209 in connection with any grant or cooperative agreement awarded or entered into. Nothing in sections 34.203 to [34.216] **34.217** shall prohibit contractors or subcontractors from voluntarily entering into agreements described in section 34.209.

**34.218. VIOLATIONS, REMEDIES — INVESTIGATION OF COMPLAINTS.** — 1. **Any entity which violates the provisions of sections 34.203 to 34.217 shall be liable to the person affected for such equitable relief as may be appropriate, including reasonable attorney's fees.**

2. **Any entity which violates the provisions of sections 34.203 to 34.217 shall not be eligible for any state funding or tax credits issued by the state for two years.**

3. **The prosecuting attorney or circuit attorney with jurisdiction over the location where a violation of sections 34.203 to 34.217 occurs, or the attorney general of this state, shall investigate complaints of violation of such sections, and use all means at their command to ensure the effective enforcement of this section.**

**[34.216. UNION-ONLY PROJECT LABOR AGREEMENTS PERMITTED, WHEN — COMPLIANCE, PROCEDURE.** — 1. For purposes of this section, the term "project labor agreement" shall be defined as a multiemployer, multiunion pre-hire agreement designed to systemize labor relations at a construction site that is required by the state or a political subdivision of the state as a condition of a bid specification for a construction project, thereby insuring that all contractors and subcontractors on a project comply with the terms of a union-only agreement.

2. The state or a political subdivision of the state may enter into a union-only project labor agreement for the procurement of construction services, except as provided in section 34.209, on a project-by-project basis only if the project is funded fifty percent or less with state funds and only on the condition that:

(1) The state or political subdivision must analyze the impact of a union-only project labor agreement and consider:

(a) Whether the union-only project labor agreement advances the interests of the public entity and its citizens;

(b) Whether the union-only project labor agreement is appropriate considering the complexity, size, cost impact, and need for efficiency on the project;

(c) Whether the union-only project labor agreement impacts the availability of a qualified work force; and

(d) Whether the scope of the union-only project labor agreement has a business justification for the project as bid;

(2) The state or political subdivision shall publish the findings of subdivision (1) of this subsection in a document titled "Intent to Enter Into a Union Project Labor Agreement". The document shall establish a rational basis upon which the state or political subdivision bases its intent to require a union-only project labor agreement for the project;

(3) No fewer than fourteen days but not more than thirty days following publication of the notice of a public hearing, the state or political subdivision shall conduct a public hearing on whether to proceed with its intent to require a union-only project labor agreement;

(4) Within thirty days of the public hearing set forth in subdivision (3) of this subsection, the state or political subdivision shall publish its determination on whether or not to require a union-only project labor agreement.

3. (1) Any interested party may, within thirty days of the determination of the state or political subdivision as set forth in subdivision (4) of subsection 2 of this section, appeal to the labor and industrial relations commission for a determination as to whether the state or political subdivision complied with subsection 2 of this section for a union-only project labor agreement as defined in subsection 1 of this section.

(2) The labor and industrial relations commission shall consider the appeal in subdivision (1) of this section under a rational basis standard of review.

(3) The labor and industrial relations commission shall hold a hearing on the appeal within sixty days of the filing of the appeal. The commission shall issue its decision within ninety days of the filing date of the appeal.

(4) Any aggrieved party from the labor and industrial relations commission decision set forth in subdivision (3) of this subsection may file an appeal with the circuit court of Cole County within thirty days of the commission's decision.]

Approved May 30, 2017

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SB 222 [CCS SB 222]

**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 vehicle lighting equipment**

AN ACT to repeal sections 287.020, 287.040, 288.035, 301.010, 301.031, 301.227, 301.550, 304.005, 304.022, 304.170, 304.180, 307.175, and 407.816, RSMo, and to enact in lieu thereof fourteen new sections relating to motorized vehicles, with existing penalty provisions.

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## SECTION

- A. Enacting clause.
- 287.020. Definitions — intent to abrogate earlier case law.
- 287.040. Liability of employer — contractors, subcontractors.
- 288.035. Owner and operator leasing motor vehicle with driver to a for-hire common or contract carrier not deemed employed for unemployment compensation, exception.
- 301.010. Definitions.
- 301.031. Local commercial motor vehicle hauling solid waste, extended operational limit.
- 301.227. Salvage certificate of title mandatory or optional, when — issuance, fee — junking certificate issued or rescinded, when — inoperable vehicle for ten years, scrap metal operator may purchase without title.
- 301.550. Definitions — classification of dealers.
- 304.005. Autocycle — defined — protective headgear not required, when — valid driver's license required to operate.
- 304.022. Emergency and stationary vehicles defined — use of lights and sirens — right-of-way — procedure — penalty.
- 304.170. Regulations as to width, height and length of vehicles — tractor parades permitted.
- 304.180. Regulations as to weight — axle load, tandem axle defined — idle reduction technology, increase in maximum gross weight permitted, amount — hauling livestock, milk, or grain, total gross weight permitted — requirements during disasters — emergency vehicles, maximum gross weight — natural gas fueled vehicles, increase in maximum gross weight, when.
- 307.005. Light-emitting diodes deemed operating properly, when.
- 307.175. Sirens and flashing lights, use of, when — permits — violation, penalty.
- 407.816. Motor driven vehicle, defined for section 407.815 — exemption for recreational vehicle dealers or manufacturers.

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

**SECTION A. ENACTING CLAUSE.** — Sections 287.020, 287.040, 288.035, 301.010, 301.031, 301.227, 301.550, 304.005, 304.022, 304.170, 304.180, 307.175, and 407.816, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 287.020, 287.040, 288.035, 301.010, 301.031, 301.227, 301.550, 304.005, 304.022, 304.170, 304.180, 307.005, 307.175, and 407.816, to read as follows:

**287.020. DEFINITIONS — INTENT TO ABROGATE EARLIER CASE LAW.** — 1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. Except as otherwise provided in section 287.200, any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. The word "employee" shall not include an individual who is the owner, as defined in [subdivision (42) of] section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies. The word "employee" also shall not include any person performing services for board, lodging, aid, or sustenance received from any religious, charitable, or relief organization.

2. The word "accident" as used in this chapter shall mean an unexpected traumatic event or unusual strain identifiable by time and place of occurrence and producing at the time objective symptoms of an injury caused by a specific event during a single work shift. An injury is not compensable because work was a triggering or precipitating factor.

3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen out of and in the course of employment. An injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability. "The prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the accident is the prevailing factor in causing the injury; and

(b) It does not come from a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life.

(3) An injury resulting directly or indirectly from idiopathic causes is not compensable.

(4) A cardiovascular, pulmonary, respiratory, or other disease, or cerebrovascular accident or myocardial infarction suffered by a worker is an injury only if the accident is the prevailing factor in causing the resulting medical condition.

(5) The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the worker is at work.

4. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Injuries sustained in company-owned or subsidized automobiles in accidents that occur while traveling from the employee's home to the employer's principal place of business or from the employer's principal place of business to the employee's home are not compensable. The extension of premises doctrine is abrogated to the extent it extends liability for accidents that occur on property not owned or controlled by the employer even if the accident occurs on customary, approved, permitted, usual or accepted routes used by the employee to get to and from their place of employment.

6. The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

7. As used in this chapter and all acts amendatory thereof, the term "commission" shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term "director" shall hereafter be construed as meaning the director of the department of insurance, financial institutions and professional registration of the state of Missouri or such agency of government as shall exercise the powers and duties now conferred and imposed upon the department of insurance, financial institutions and professional registration of the state of Missouri.

8. The term "division" as used in this chapter means the division of workers' compensation of the department of labor and industrial relations of the state of Missouri.

9. For the purposes of this chapter, the term "minor" means a person who has not attained the age of eighteen years; except that, for the purpose of computing the compensation provided for in this chapter, the provisions of section 287.250 shall control.

10. In applying the provisions of this chapter, it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "accident", "occupational disease", "arising out of", and "in the course of the employment" to include, but not be limited to, holdings in: *Bennett v. Columbia Health Care and Rehabilitation*, 80 S.W.3d 524 (Mo.App. W.D. 2002); *Kasl v. Bristol Care, Inc.*, 984 S.W.2d 852 (Mo.banc 1999); and *Drewes v. TWA*, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or following those cases.

11. For the purposes of this chapter, "occupational diseases due to toxic exposure" shall only include the following: mesothelioma, asbestosis, berylliosis, coal worker's pneumoconiosis, bronchiolitis obliterans, silicosis, silicotuberculosis, manganism, acute myelogenous leukemia, and myelodysplastic syndrome.

**287.040. LIABILITY OF EMPLOYER — CONTRACTORS, SUBCONTRACTORS.** — 1. Any person who has work done under contract on or about his premises which is an operation of the usual business which he there carries on shall be deemed an employer and shall be liable under this chapter to such contractor, his subcontractors, and their employees, when injured or killed on or about the premises of the employer while doing work which is in the usual course of his business.

2. The provisions of this section shall not apply to the owner of premises upon which improvements are being erected, demolished, altered or repaired by an independent contractor but such independent contractor shall be deemed to be the employer of the employees of his subcontractors and their subcontractors when employed on or about the premises where the principal contractor is doing work.

3. In all cases mentioned in the preceding subsections, the immediate contractor or subcontractor shall be liable as an employer of the employees of his subcontractors. All persons so liable may be made parties to the proceedings on the application of any party. The liability of the immediate employer shall be primary, and that of the others secondary in their order, and any compensation paid by those secondarily liable may be recovered from those primarily liable, with attorney's fees and expenses of the suit. Such recovery may be had on motion in the original proceedings. No such employer shall be liable as in this section provided, if the employer was insured by his immediate or any intermediate employer.

4. The provisions of this section shall not apply to the relationship between a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041 or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies, and an owner, as defined in [subdivision (42) of] section 301.010, and operator of a motor vehicle.

**288.035. OWNER AND OPERATOR LEASING MOTOR VEHICLE WITH DRIVER TO A FOR-HIRE COMMON OR CONTRACT CARRIER NOT DEEMED EMPLOYED FOR UNEMPLOYMENT COMPENSATION, EXCEPTION.** — Notwithstanding the provisions of section 288.034, in the case of an individual who is the owner, as defined in [subdivision (42) of] section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation or any of its subagencies, such owner/operator shall not be deemed to be an employee, provided, however, such individual owner and operator shall be deemed to be in employment if the for-hire common or contract vehicle carrier is an organization described in Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

**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 **capable of carrying cargo on the power unit and** designed and used [specifically] for the transport of assembled motor vehicles, **including truck camper units;**



(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) **"Backhaul", the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route;**

(5) **"Boat transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls. Boats may be partially disassembled to facilitate transporting;**

[(5)] (6) "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)] (7) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

[(7)] (8) "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)] (9) "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)] (10) "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)] (11) "Director" or "director of revenue", the director of the department of revenue;

[(11)] (12) "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)] (13) "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)] (14) "Farm tractor", a tractor used exclusively for agricultural purposes;

[(14)] (15) "Fleet", any group of ten or more motor vehicles owned by the same owner;

[(15)] (16) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

[(16)] (17) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

[(17)] (18) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

[(18)] (19) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

[(19)] (20) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

[(20)] (21) "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] **(22)** "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[22] **(23)** "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] **(24)** "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] **(25)** "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] **(26)** "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] **(27)** "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 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] **(28)** "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] **23 U.S.C. Section 103, as amended**, 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)] **(29)** "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)] **(30)** "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)] **(31)** "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)] **(32)** "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[(32)] **(33)** "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)] **(34)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

[(34)] **(35)** "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)] **(36)** "Motorcycle", a motor vehicle operated on two wheels;

[(36)] **(37)** "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)] **(38)** "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)] **(39)** "Municipality", any city, town or village, whether incorporated or not;

[(39)] **(40)** "Nonresident", a resident of a state or country other than the state of Missouri;

[(40)] **(41)** "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(41)] **(42)** "Operator", any person who operates or drives a motor vehicle;

[(42)] **(43)** "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)] **(44)** "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)] **(45)** "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)] **(46)** "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)] **(47)** "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)] **(48)** "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)] **(49)** "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)] **(50)** "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)] **(51)** "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)] **(52)** "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)] **(53)** "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;

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[(53)] **(54)** "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)] **(55)** "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)] **(56)** "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)] **(57)** "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)] **(58)** "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)] **(59)** "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;

**(60)** "Towaway trailer transporter combination", a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

[(59)] **(61)** "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)] **(62)** "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;

**(63)** "Trailer transporter towing unit", a power unit that is not used to carry property when operating in a towaway trailer transporter combination;

[(61)] **(64)** "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(62)] **(65)** "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)] **(66)** "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)] (67) "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)] (68) "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)] (69) "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] in 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)] (70) "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)] (71) "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)] (72) "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.

**301.031. LOCAL COMMERCIAL MOTOR VEHICLE HAULING SOLID WASTE, EXTENDED OPERATIONAL LIMIT.** — Notwithstanding the twenty-five mile operations limit imposed in [subdivision (24) of] section 301.010 upon local commercial motor vehicles, a local commercial motor vehicle licensed for forty-eight thousand pounds gross weight and above may be used to haul solid waste as defined in section 260.200 up to sixty miles from the municipality in which its operations are otherwise confined and still be eligible to register as a local commercial motor vehicle.

**301.227. SALVAGE CERTIFICATE OF TITLE MANDATORY OR OPTIONAL, WHEN — ISSUANCE, FEE — JUNKING CERTIFICATE ISSUED OR RESCINDED, WHEN — INOPERABLE VEHICLE FOR TEN YEARS, SCRAP METAL OPERATOR MAY PURCHASE WITHOUT TITLE.** — 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217

to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as "junk", as defined in section 301.010, the purchaser may forward to the director of revenue a properly completed application for a junking certificate as well as the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such junking certificate may be granted within thirty days of the submission of a request. A junking certificate shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk.

3. For any vehicle issued a junking certificate or such similar document or classification pursuant to the laws of another state, regardless of whether such designation has been subsequently changed by law in any other state, the department shall only issue a junking certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter be issued for such vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not previously been classified as a junk vehicle, the applicant making the original junking certification application shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to [subdivision (51) of] section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of title or ownership for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification **card** along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

**301.550. DEFINITIONS — CLASSIFICATION OF DEALERS.** — 1. The definitions contained in section 301.010 shall apply to sections 301.550 to 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

(1) "Boat dealer", any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to 301.573;

(2) "Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

(3) "Department", the Missouri department of revenue;

(4) "Director", the director of the Missouri department of revenue;

(5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles, and fire fighting and assistance vehicles;



(6) "Manufacturer", any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

(7) "Motor vehicle broker", a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

(a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

(b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction; or

(d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction;

(8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.573. Any motor vehicle dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more motor vehicles provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(9) "New motor vehicle", any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange that particular make of motor vehicle. The term "new motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter or exchange used motor vehicles;

(11) "Person" includes an individual, a partnership, corporation, an unincorporated society or association, joint venture or any other entity;

(12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306;

(13) "Public motor vehicle auction", any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer;

(14) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including 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;

(15) "Storage lot", an area within the same city or county where a dealer may store excess vehicle inventory;

(16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as defined in [subdivision (60) of] section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of [subdivision (11) of] section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to 301.573. Any trailer dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more trailers provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007. Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(17) "Used motor vehicle", any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee's name. The term "used motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(18) "Used motor vehicle dealer", any motor vehicle dealer who is not a new motor vehicle franchise dealer;

(19) "Vessel", every boat and watercraft defined as a vessel in section 306.010;

(20) "Vessel trailer", any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels;

(21) "Wholesale motor vehicle auction", any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle;

(22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

2. For purposes of sections 301.550 to 301.573, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010.

3. Dealers shall be divided into classes as follows:

- (1) Boat dealers;
  - (2) Franchised new motor vehicle dealers;
  - (3) Used motor vehicle dealers;
  - (4) Wholesale motor vehicle dealers;
  - (5) Recreational motor vehicle dealers;
  - (6) Historic motor vehicle dealers;
  - (7) Classic motor vehicle dealers;
  - (8) Powersport dealers; and
-

- (9) Trailer dealers.

**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 **partially or** completely enclosed, [tandem] **non-straddle** 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, **and has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards.**

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.

**304.022. EMERGENCY AND STATIONARY VEHICLES DEFINED — USE OF LIGHTS AND SIRENS — RIGHT-OF-WAY — 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.

**304.170. REGULATIONS AS TO WIDTH, HEIGHT AND LENGTH OF VEHICLES—TRACTOR PARADES PERMITTED.** — 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the [chief engineer of the state transportation department] **state highways and transportation commission** shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. **Notwithstanding any provision of this section to the contrary, an articulated bus, comprised of two or more sections connected by a flexible joint or other mechanism, may be up to sixty feet in length, not including safety bumpers which may extend one foot in front and one foot in the rear, and not including bicycle storage racks which may extend over the safety bumper by up to five feet when in the down position transporting a bicycle.** The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of **Pub. L. 97-424 codified in** Title 23 of the United States Code [(Public Law 97-424)] **(23 U.S.C. Section 101 et al.), as amended**, no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.

6. In order to comply with the provisions of **Pub. L. 97-424 codified in** Title 23 of the United States Code [(Public Law 97-424)] **(23 U.S.C. Section 101 et al.), as amended**, no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection [10] **11** of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the [state highways and transportation] commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations, [stinger-steered combination automobile transporters] and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the [highways and transportation] commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered [combinations] **combination boat transporters** shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

**(1) Stinger-steered combination automobile transporters having a length not in excess of eighty feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding stinger-steered automobile combination transporters are exclusive**

**of front and rear overhang, which shall be no greater than a four-foot front overhang and no greater than a six-foot rear overhang.**

**(2) Automobile transporters may transport cargo or general freight on a backhaul, as long as in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in section 304.180.**

8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the [highways and transportation] commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

**10. No towaway trailer transporter combination vehicles operated upon the interstate and designated primary highway system of this state shall have an overall length of more than eighty-two feet.**

11. The [highways and transportation] commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8, [and] 9, **and 10** of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8, [and] 9, **and 10** of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

[11.] **12.** Except as provided in subsections 5, 6, 7, 8, 9, [and] 10, **and 11** of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway[, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles].

[12.] **13.** (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol; or to self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting agricultural implements or implements of husbandry or road-making machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally

for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

**(3) Notwithstanding any other provision of law to the contrary, agricultural machinery and implements may be operated on state highways between the hours of sunset and sunrise for agricultural purposes provided such vehicles are equipped with lighting meeting the requirements of section 307.115.**

[13.] **14.** As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.

[14.] **15.** Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The [chief engineer of the state transportation department] **commission** shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.

**304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — IDLE REDUCTION TECHNOLOGY, INCREASE IN MAXIMUM GROSS WEIGHT PERMITTED, AMOUNT — HAULING LIVESTOCK, MILK, OR GRAIN, TOTAL GROSS WEIGHT PERMITTED — REQUIREMENTS DURING DISASTERS — EMERGENCY VEHICLES, MAXIMUM GROSS WEIGHT — NATURAL GAS FUELED VEHICLES, INCREASE IN MAXIMUM GROSS WEIGHT, WHEN. — 1.** No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes  
of any group of two or more consecutive  
axles, measured to the nearest foot,  
except where indicated otherwise

feet	Maximum load in pounds				
	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			

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More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

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Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the [state highways and transportation] commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of [Section 127 of Title 23 of the United States Code] **P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.**

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, [and] 10, **12, and 13** of this section.

7. Notwithstanding any provision of this section to the contrary, the [department of transportation] **commission** shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The [department of transportation] **commission** shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk, from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the [department of transportation] **commission** shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately

following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the **department of transportation** motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The [department of transportation] **commission** 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, 2014, shall be invalid and void.

**12. Notwithstanding any provision of this section, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear drive steer axle.**

**13. Notwithstanding any provision of this section, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds.**

**307.005. LIGHT-EMITTING DIODES DEEMED OPERATING PROPERLY, WHEN. — For purposes of this chapter, a lamp, light, or other piece of lighting equipment consisting of multiple light emitting diodes shall be deemed to be operating properly so long as not less than seventy-five percent of the light emitting diodes are operating properly.**

**307.175. SIRENS AND FLASHING LIGHTS, USE OF, WHEN — PERMITS — 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.] **(1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:**

- (a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;**
- (b) Vehicles operated as described in subsection 1 of this section;**

(c) Vehicles owned by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles described in this paragraph only between dusk and dawn, when such vehicles are stationary, such vehicles are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs.

(2) The following vehicles may use or display fixed, flashing, or rotating amber or amber and white lights:

(a) Vehicles owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;

(b) Vehicles owned by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary;

(c) Vehicles operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary. As used in this paragraph, the term "utility worker" means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.

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, 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.

**407.816. MOTOR DRIVEN VEHICLE, DEFINED FOR SECTION 407.815—EXEMPTION FOR RECREATIONAL VEHICLE DEALERS OR MANUFACTURERS.** — 1. As used in subdivision (7) of section 407.815, the term "motor vehicle" shall not include "trailer" as such term is defined in [subdivision (60) of] section 301.010.

2. Prior to August 1, 2002, the provisions of section 407.817, subdivisions (13), (17) and (18) of section 407.825 and section 407.826 shall not apply to recreational vehicle dealers or manufacturers.

3. As of August 1, 2002, the term "motor vehicle" as used in sections 407.810 to 407.835 shall not apply to recreational vehicles as defined in section 407.1320.

Approved June 28, 2017

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SB 225 [CCS HCS SB 225]

**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**

AN ACT to repeal sections 137.095, 226.520, 287.020, 287.040, 288.035, 301.010, 301.031, 301.227, 301.550, 302.441, 304.005, 304.022, 304.170, 304.180, 304.190, 304.725, and 407.816, RSMo, and to enact in lieu thereof eighteen new sections relating to transportation, with an existing penalty provision.

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## SECTION

- A. Enacting clause.
- 137.095. Corporate property, where taxed — tractors and trailers.
- 226.520. Permitted signs — specifications.
- 287.020. Definitions — intent to abrogate earlier case law.
- 287.040. Liability of employer — contractors, subcontractors.
- 288.035. Owner and operator leasing motor vehicle with driver to a for-hire common or contract carrier not deemed employed for unemployment compensation, exception.
- 301.010. Definitions.
- 301.031. Local commercial motor vehicle hauling solid waste, extended operational limit.
- 301.136. Camping or fifth-wheel trailers over 25 years old, permanent registration of — registration of historic license plates.
- 301.227. Salvage certificate of title mandatory or optional, when — issuance, fee — junking certificate issued or rescinded, when — inoperable vehicle for ten years, scrap metal operator may purchase without title.
- 301.550. Definitions — classification of dealers.
- 302.441. Employment exemption variance, permitted when — restrictions.
- 304.005. Autocycle — defined — protective headgear not required, when — valid driver's license required to operate.
- 304.022. Emergency and stationary vehicles defined — use of lights and sirens — right-of-way — procedure — penalty.
- 304.170. Regulations as to width, height and length of vehicles — tractor parades permitted.
- 304.180. Regulations as to weight — axle load, tandem axle defined — idle reduction technology, increase in maximum gross weight permitted, amount — hauling livestock, milk, or grain, total gross weight permitted — requirements during disasters — emergency vehicles, maximum gross weight — natural gas fueled vehicles, increase in maximum gross weight, when.
- 304.190. Height and weight regulations (cities of 75,000 or more) — commercial zone defined.
- 304.725. Veterans displaying special license plates or certain military medal recipients may park without charge in metered parking — windshield placard for veterans and certain military medal recipients — exceptions.
- 407.816. Motor driven vehicle, defined for section 407.815 — exemption for recreational vehicle dealers or manufacturers.

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

**SECTION A. ENACTING CLAUSE.** — Sections 137.095, 226.520, 287.020, 287.040, 288.035, 301.010, 301.031, 301.227, 301.550, 302.441, 304.005, 304.022, 304.170, 304.180, 304.190, 304.725, and 407.816, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 137.095, 226.520, 287.020, 287.040, 288.035, 301.010, 301.031, 301.136, 301.227, 301.550, 302.441, 304.005, 304.022, 304.170, 304.180, 304.190, 304.725, and 407.816, to read as follows:

**137.095. CORPORATE PROPERTY, WHERE TAXED — TRACTORS AND TRAILERS. — 1.**

The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the City of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year, which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term "based" means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in [interstate] **interjurisdictional** commerce must be apportioned to

Missouri based on the ratio of miles traveled in this state to miles traveled in [the United States in interstate] **interjurisdictional** commerce during the preceding tax year or on the basis of the most recent annual mileage figures available **regardless of the state in which the International Registration Plan fleet under which such tractor or trailer operates or maintains its base jurisdiction. Where historical distance records are unavailable, the average per vehicle distance chart as described in section 320 of the International Registration Plan and which is provided to counties by department of transportation carrier services, or any other reasonable source of distance data, may be used.**

**226.520. PERMITTED SIGNS — SPECIFICATIONS.** — On and after March 30, 1972, no outdoor advertising shall be erected or maintained within six hundred sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of any highway which is part of the federal-aid primary highways as of June 1, 1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System in this state except the following:

(1) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic, cultural (including agricultural activities or attractions), scientific, educational, religious sites, and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by the department relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement sections 226.500 to 226.600, but such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the Secretary of the Department of Transportation of the United States, under subsection (c) of Section 131 of Title 23 of the United States Code, **and two-year colleges shall qualify for substantially the same signs as traditional four-year colleges, irrespective of differences in student housing or types of degrees offered;**

(2) Signs, displays, and devices advertising activities conducted on the property upon which they are located, or services and products therein provided;

(3) Outdoor advertising located in areas which are zoned industrial, commercial or the like as provided in sections 226.500 to 226.600 or under other authority of law;

(4) Outdoor advertising located in unzoned commercial or industrial areas as defined and determined pursuant to sections 226.500 to 226.600;

(5) Outdoor advertising for tourist-oriented businesses, and scoreboards used in sporting events or other electronic signs with changeable messages which are not prohibited by federal regulations or local zoning ordinances. Outdoor advertising which is authorized by this subdivision (5) shall only be allowed to the extent that such outdoor advertising is not prohibited by Title 23, United States Code, Section 131, as now or thereafter amended, and lawful regulations promulgated thereunder. The general assembly finds and declares it to be the policy of the state of Missouri that the tourism industry is of major and critical importance to the economic well-being of the state and that directional signs, displays and devices providing directional information about goods and services in the interest of the traveling public are essential to the economic welfare of the tourism industry. The general assembly further finds and declares that the removal of directional signs advertising tourist-oriented businesses is harmful to the tourism industry in Missouri and that the removal of directional signs within or near areas of the state where there is high concentration of tourist-oriented businesses would have a particularly harmful effect upon the economies within such areas. The state highways and transportation commission is authorized and directed to determine those specific areas of the state of Missouri in which there is high concentration of tourist-oriented businesses, and within such areas, no directional signs, displays and devices which are lawfully erected, which are maintained in good repair, which provide directional information about goods and services in the interest of the traveling public, and which would otherwise be required to be removed because they are not

allowed to be maintained under the provisions of sections 226.500 through 226.600 shall be required to be removed until such time as such removal has been finally ordered by the United States Secretary of Transportation;

(6) The provisions of this section shall not be construed to require removal of signs advertising churches or items of religious significance, items of native arts and crafts, woodworking in native products, or native items of artistic, historical, geologic significance, or hospitals or airports.

**287.020. DEFINITIONS — INTENT TO ABROGATE EARLIER CASE LAW.** — 1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. Except as otherwise provided in section 287.200, any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. The word "employee" shall not include an individual who is the owner, as defined in [subdivision (42) of] section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies. The word "employee" also shall not include any person performing services for board, lodging, aid, or sustenance received from any religious, charitable, or relief organization.

2. The word "accident" as used in this chapter shall mean an unexpected traumatic event or unusual strain identifiable by time and place of occurrence and producing at the time objective symptoms of an injury caused by a specific event during a single work shift. An injury is not compensable because work was a triggering or precipitating factor.

3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen out of and in the course of employment. An injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability. "The prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the accident is the prevailing factor in causing the injury; and

(b) It does not come from a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life.

(3) An injury resulting directly or indirectly from idiopathic causes is not compensable.

(4) A cardiovascular, pulmonary, respiratory, or other disease, or cerebrovascular accident or myocardial infarction suffered by a worker is an injury only if the accident is the prevailing factor in causing the resulting medical condition.

(5) The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the worker is at work.

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4. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Injuries sustained in company-owned or subsidized automobiles in accidents that occur while traveling from the employee's home to the employer's principal place of business or from the employer's principal place of business to the employee's home are not compensable. The extension of premises doctrine is abrogated to the extent it extends liability for accidents that occur on property not owned or controlled by the employer even if the accident occurs on customary, approved, permitted, usual or accepted routes used by the employee to get to and from their place of employment.

6. The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

7. As used in this chapter and all acts amendatory thereof, the term "commission" shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term "director" shall hereafter be construed as meaning the director of the department of insurance, financial institutions and professional registration of the state of Missouri or such agency of government as shall exercise the powers and duties now conferred and imposed upon the department of insurance, financial institutions and professional registration of the state of Missouri.

8. The term "division" as used in this chapter means the division of workers' compensation of the department of labor and industrial relations of the state of Missouri.

9. For the purposes of this chapter, the term "minor" means a person who has not attained the age of eighteen years; except that, for the purpose of computing the compensation provided for in this chapter, the provisions of section 287.250 shall control.

10. In applying the provisions of this chapter, it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "accident", "occupational disease", "arising out of", and "in the course of the employment" to include, but not be limited to, holdings in: *Bennett v. Columbia Health Care and Rehabilitation*, 80 S.W.3d 524 (Mo.App. W.D. 2002); *Kasl v. Bristol Care, Inc.*, 984 S.W.2d 852 (Mo.banc 1999); and *Drewes v. TWA*, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or following those cases.

11. For the purposes of this chapter, "occupational diseases due to toxic exposure" shall only include the following: mesothelioma, asbestosis, berylliosis, coal worker's pneumoconiosis, bronchiolitis obliterans, silicosis, silicotuberculosis, manganism, acute myelogenous leukemia, and myelodysplastic syndrome.

**287.040. LIABILITY OF EMPLOYER — CONTRACTORS, SUBCONTRACTORS.** — 1. Any person who has work done under contract on or about his premises which is an operation of the usual business which he there carries on shall be deemed an employer and shall be liable under this chapter to such contractor, his subcontractors, and their employees, when injured or killed on or about the premises of the employer while doing work which is in the usual course of his business.

2. The provisions of this section shall not apply to the owner of premises upon which improvements are being erected, demolished, altered or repaired by an independent contractor but such independent contractor shall be deemed to be the employer of the employees of his subcontractors and their subcontractors when employed on or about the premises where the principal contractor is doing work.

3. In all cases mentioned in the preceding subsections, the immediate contractor or subcontractor shall be liable as an employer of the employees of his subcontractors. All persons so liable may be made parties to the proceedings on the application of any party. The liability

of the immediate employer shall be primary, and that of the others secondary in their order, and any compensation paid by those secondarily liable may be recovered from those primarily liable, with attorney's fees and expenses of the suit. Such recovery may be had on motion in the original proceedings. No such employer shall be liable as in this section provided, if the employee was insured by his immediate or any intermediate employer.

4. The provisions of this section shall not apply to the relationship between a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041 or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies, and an owner, as defined in [subdivision (42) of] section 301.010, and operator of a motor vehicle.

**288.035. OWNER AND OPERATOR LEASING MOTOR VEHICLE WITH DRIVER TO A FOR-HIRE COMMON OR CONTRACT CARRIER NOT DEEMED EMPLOYED FOR UNEMPLOYMENT COMPENSATION, EXCEPTION.** — Notwithstanding the provisions of section 288.034, in the case of an individual who is the owner, as defined in [subdivision (42) of] section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation or any of its subagencies, such owner/operator shall not be deemed to be an employee, provided, however, such individual owner and operator shall be deemed to be in employment if the for-hire common or contract vehicle carrier is an organization described in Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

**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 **capable of carrying cargo on the power unit and** designed and used [specifically] for the transport of assembled motor vehicles, **including truck camper units;**

(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) "**Backhaul**", **the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route;**

(5) "Boat transporter", any vehicle combination **capable of carrying cargo on the power unit and** designed and used specifically to transport assembled boats and boat hulls. **Boats may be partially disassembled to facilitate transporting;**

[(5)] (6) "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)] (7) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

[(7)] (8) "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)] (9) "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)] (10) "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] (11) "Director" or "director of revenue", the director of the department of revenue;

[11] (12) "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] (13) "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] (14) "Farm tractor", a tractor used exclusively for agricultural purposes;

[14] (15) "Fleet", any group of ten or more motor vehicles owned by the same owner;

[15] (16) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

[16] (17) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

[17] (18) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

[18] (19) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

[19] (20) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

[20] (21) "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] (22) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[22] (23) "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] (24) "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] (25) "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] **(26)** "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] **(27)** "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 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] **(28)** "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] **23 U.S.C. Section 103, as amended**, 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] **(29)** "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] **(30)** "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] **(31)** "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] **(32)** "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[32] **(33)** "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] **(34)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

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[(34)] (35) "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)] (36) "Motorcycle", a motor vehicle operated on two wheels;

[(36)] (37) "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)] (38) "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)] (39) "Municipality", any city, town or village, whether incorporated or not;

[(39)] (40) "Nonresident", a resident of a state or country other than the state of Missouri;

[(40)] (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(41)] (42) "Operator", any person who operates or drives a motor vehicle;

[(42)] (43) "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)] (44) "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)] (45) "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)] (46) "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)] (47) "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)] (48) "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)] (49) "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)] (50) "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)] **(51)** "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)] **(52)** "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)] **(53)** "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)] **(54)** "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)] **(55)** "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)] **(56)** "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)] **(57)** "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)] **(58)** "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)] **(59)** "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;

**(60)** "Towaway trailer transporter combination", a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

[(59)] **(61)** "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)] **(62)** "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;

**(63)** "Trailer transporter towing unit", a power unit that is not used to carry property when operating in a towaway trailer transporter combination;

[(61)] **(64)** "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(62)] **(65)** "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)] **(66)** "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)] **(67)** "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)] **(68)** "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)] **(69)** "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] in 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)] **(70)** "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)] (71) "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)] (72) "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.

**301.031. LOCAL COMMERCIAL MOTOR VEHICLE HAULING SOLID WASTE, EXTENDED OPERATIONAL LIMIT.** — Notwithstanding the twenty-five mile operations limit imposed in [subdivision (24) of] section 301.010 upon local commercial motor vehicles, a local commercial motor vehicle licensed for forty-eight thousand pounds gross weight and above may be used to haul solid waste as defined in section 260.200 up to sixty miles from the municipality in which its operations are otherwise confined and still be eligible to register as a local commercial motor vehicle.

**301.136. CAMPING OR FIFTH-WHEEL TRAILERS OVER 25 YEARS OLD, PERMANENT REGISTRATION OF — REGISTRATION OF HISTORIC LICENSE PLATES.** — **1. Any camping or fifth-wheel trailer, as defined in section 407.1320, that is over twenty-five years old may be permanently registered upon payment of a registration fee of fifty-two dollars and fifty cents. Upon the transfer of the title to any such trailer, the registration shall be canceled and the license plates issued therefor shall be returned to the director of revenue.**

**2. The owner of any such trailer shall file an application in a form prescribed by the director and a certificate of registration shall be issued therefor.**

**3. Notwithstanding any provision of this section to the contrary, any person possessing license plates issued by the state of Missouri that are over twenty-five years old, in which the year of issuance of such plates is consistent with the year of the manufacture of the camping or fifth-wheel trailer, may register such plates as historic trailer plates as set forth in this section; provided that, the configuration of letters, numbers, or combination of letters and numbers of such plates is not identical to the configuration of letters, numbers, or combination of letters and numbers of any plates already issued to an owner by the director. Such license plates shall not be required to possess the characteristic features of reflective material and common color scheme and design as prescribed by section 301.130. The owner of the historic trailer registered under this section shall keep the certificate of registration in the trailer at all times. The certificate of registration shall be prima facie evidence that the trailer has been properly registered with the director and that all fees have been paid.**

**301.227. SALVAGE CERTIFICATE OF TITLE MANDATORY OR OPTIONAL, WHEN — ISSUANCE, FEE — JUNKING CERTIFICATE ISSUED OR RESCINDED, WHEN — INOPERABLE VEHICLE FOR TEN YEARS, SCRAP METAL OPERATOR MAY PURCHASE WITHOUT TITLE.** — **1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217**

to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as "junk", as defined in section 301.010, the purchaser may forward to the director of revenue a properly completed application for a junking certificate as well as the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such junking certificate may be granted within thirty days of the submission of a request. A junking certificate shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk.

3. For any vehicle issued a junking certificate or such similar document or classification pursuant to the laws of another state, regardless of whether such designation has been subsequently changed by law in any other state, the department shall only issue a junking certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter be issued for such vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not previously been classified as a junk vehicle, the applicant making the original junking certification application shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to [subdivision (51) of] section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of title or ownership for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification **card** along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

**301.550. DEFINITIONS — CLASSIFICATION OF DEALERS.** — 1. The definitions contained in section 301.010 shall apply to sections 301.550 to 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

(1) "Boat dealer", any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to 301.573;

(2) "Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

(3) "Department", the Missouri department of revenue;

(4) "Director", the director of the Missouri department of revenue;

(5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles, and fire fighting and assistance vehicles;



(6) "Manufacturer", any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

(7) "Motor vehicle broker", a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

(a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

(b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction; or

(d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction;

(8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.573. Any motor vehicle dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more motor vehicles provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(9) "New motor vehicle", any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange that particular make of motor vehicle. The term "new motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter or exchange used motor vehicles;

(11) "Person" includes an individual, a partnership, corporation, an unincorporated society or association, joint venture or any other entity;

(12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306;

(13) "Public motor vehicle auction", any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer;

(14) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including 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;

(15) "Storage lot", an area within the same city or county where a dealer may store excess vehicle inventory;

(16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as defined in [subdivision (60) of] section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of [subdivision (11) of] section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to 301.573. Any trailer dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more trailers provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007. Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(17) "Used motor vehicle", any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee's name. The term "used motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(18) "Used motor vehicle dealer", any motor vehicle dealer who is not a new motor vehicle franchise dealer;

(19) "Vessel", every boat and watercraft defined as a vessel in section 306.010;

(20) "Vessel trailer", any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels;

(21) "Wholesale motor vehicle auction", any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle;

(22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

2. For purposes of sections 301.550 to 301.573, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010.

3. Dealers shall be divided into classes as follows:

- (1) Boat dealers;
  - (2) Franchised new motor vehicle dealers;
  - (3) Used motor vehicle dealers;
  - (4) Wholesale motor vehicle dealers;
  - (5) Recreational motor vehicle dealers;
  - (6) Historic motor vehicle dealers;
  - (7) Classic motor vehicle dealers;
  - (8) Powersport dealers; and
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(9) Trailer dealers.

**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 or controls 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.

**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 **partially or** completely enclosed, [tandem] **non-straddle** 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, **and has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards.**

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.

**304.022. EMERGENCY AND STATIONARY VEHICLES DEFINED — USE OF LIGHTS AND SIRENS — RIGHT-OF-WAY — 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; **or**

**(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.**

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.

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**304.170. REGULATIONS AS TO WIDTH, HEIGHT AND LENGTH OF VEHICLES—TRACTOR PARADES PERMITTED.**

1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the [chief engineer of the state transportation department] **state highways and transportation commission** shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. **Notwithstanding any provision of this section to the contrary, an articulated bus, comprised of two or more sections connected by a flexible joint or other mechanism, may be up to sixty feet in length, not including safety bumpers which may extend one foot in front and one foot in the rear, and not including bicycle storage racks which may extend over the safety bumper by up to five feet when in the down position transporting a bicycle.** The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of **Pub. L. 97-424 codified in** Title 23 of the United States Code [(Public Law 97-424)] **(23 U.S.C. Section 101, et al.), as amended**, no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.

6. In order to comply with the provisions of **Pub. L. 97-424 codified in** Title 23 of the United States Code [(Public Law 97-424)] **(23 U.S.C. Section 101, et al.), as amended**, no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection [10] **11** of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the [state highways and transportation] commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations, [stinger-steered combination automobile transporters] and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the [highways and transportation] commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered [combinations] **combination boat transporters** shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

**(1) Stinger-steered combination automobile transporters having a length not in excess of eighty feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding stinger-steered automobile combination transporters are exclusive of front and rear overhang, which shall be no greater than a four-foot front overhang and no greater than a six-foot rear overhang.**

**(2) Automobile transporters may transport cargo or general freight on a backhaul, as long as in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in section 304.180.**

8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the [highways and transportation] commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

**10. No towaway trailer transporter combination vehicles operated upon the interstate and designated primary highway system of this state shall have an overall length of more than eighty-two feet.**

11. The [highways and transportation] commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8, [and] 9, **and 10** of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8, [and] 9, **and 10** of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

[11.] **12.** Except as provided in subsections 5, 6, 7, 8, 9, [and] 10, **and 11** of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway[, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three

feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles].

[12.] **13.** (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol; or to self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting agricultural implements or implements of husbandry or road-making machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

[13.] **14.** As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.

[14.] **15.** Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The [chief engineer of the state transportation department] **commission** shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.

**304.180. REGULATIONS AS TO WEIGHT—AXLE LOAD, TANDEM AXLE DEFINED—IDLE REDUCTION TECHNOLOGY, INCREASE IN MAXIMUM GROSS WEIGHT PERMITTED, AMOUNT—HAULING LIVESTOCK, MILK, OR GRAIN, TOTAL GROSS WEIGHT PERMITTED—REQUIREMENTS DURING DISASTERS—EMERGENCY VEHICLES, MAXIMUM GROSS WEIGHT—NATURAL GAS FUELED VEHICLES, INCREASE IN MAXIMUM GROSS WEIGHT, WHEN.** — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes

of any group of two or more consecutive  
axles, measured to the nearest foot,  
except where indicated otherwise

Maximum load in pounds feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000



50	60,000	75,500	79,000	80,000
51	60,000	76,000	80,000	80,000
52	60,000	76,500	80,000	80,000
53	60,000	77,500	80,000	80,000
54	60,000	78,000	80,000	80,000
55	60,000	78,500	80,000	80,000
56	60,000	79,500	80,000	80,000
57	60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the [state highways and transportation] commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of [Section 127 of Title 23 of the United States Code] **P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.**

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, [and] 10, **12, and 13** of this section.

7. Notwithstanding any provision of this section to the contrary, the [department of transportation] **commission** shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The [department of transportation] **commission** shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk, from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the [department of transportation] **commission** shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the **department of transportation** motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The [department of transportation] **commission** 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, 2014, shall be invalid and void.

12. **Notwithstanding any provision of this section to the contrary, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear drive steer axle.**

13. **Notwithstanding any provision of this section to the contrary, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds.**

**304.190. HEIGHT AND WEIGHT REGULATIONS (CITIES OF 75,000 OR MORE) — COMMERCIAL ZONE DEFINED. —** 1. No motor vehicle, unladen or with load, operating exclusively within the corporate limits of cities containing seventy-five thousand inhabitants or more or within two miles of the corporate limits of the city or within the commercial zone of the city shall exceed fifteen feet in height.

2. No motor vehicle operating exclusively within any said area shall have a greater weight than twenty-two thousand four hundred pounds on one axle.

3. The "commercial zone" of the city is defined to mean that area within the city together with the territory extending one mile beyond the corporate limits of the city and one mile additional for each fifty thousand population or portion thereof provided, however:

(1) The commercial zone surrounding a city not within a county shall extend twenty-five miles beyond the corporate limits of any such city not located within a county and shall also extend throughout any county with a charter form of government which adjoins that city and throughout any county with a charter form of government and with more than two hundred fifty

thousand but fewer than three hundred fifty thousand inhabitants that is adjacent to such county adjoining such city;

(2) The commercial zone of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall extend twelve miles beyond the corporate limits of any such city; except that this zone shall extend from the southern border of such city's limits, beginning with the western-most freeway, following said freeway south to the first intersection with a multilane undivided highway, where the zone shall extend south along said freeway to include a city of the fourth classification with more than eight thousand nine hundred but less than nine thousand inhabitants, and shall extend north from the intersection of said freeway and multilane undivided highway along the multilane undivided highway to the city limits of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants, and shall extend east from the city limits of a special charter city with more than two hundred seventy-five but fewer than three hundred seventy-five inhabitants along State Route 210 and northwest from the intersection of State Route 210 and State Route 10 to include the boundaries of any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county. The commercial zone shall continue east along State Route 10 from the intersection of State Route 10 and State Route 210 to the eastern city limit of a city of the fourth classification with more than five hundred fifty but fewer than six hundred twenty-five inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat. The commercial zone described in this subdivision shall be extended to also include the stretch of State Route 45 from its intersection with Interstate 29 extending northwest to the city limits of any village with more than forty but fewer than fifty inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat. **The commercial zone described in this subdivision shall be extended east from the intersection of State Route 7 and U.S. Highway 50 to include the city limits of a city of the fourth classification with more than one thousand fifty but fewer than one thousand two hundred inhabitants and located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and from the eastern limits of said city east along U.S. Highway 50 up to and including the intersection of U.S. Highway 50 and State Route AA, then south along State Route AA up to and including the intersection of State Route AA and State Route 58, then west along State Route 58 to include the city limits of a city of the fourth classification with more than one hundred forty but fewer than one hundred sixty inhabitants and located in any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, and from the western limits of said city along State Route 58 to where State Route 58 intersects with State Route 7;**

(3) The commercial zone of a city of the third classification with more than nine thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city limits along U.S. Highway 61 to the intersection of State Route OO in a county of the third classification without a township form of government and with more than seventeen thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants;

(4) The commercial zone of a home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants and located in a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants shall extend north from the city limits along U.S. Highway 63, a state highway, to the intersection of State Route NN, and shall continue west and south along State Route NN to

the intersection of State Route 124, and shall extend east from the intersection along State Route 124 to U.S. Highway 63. The commercial zone described in this subdivision shall also extend east from the city limits along State Route WW to the intersection of State Route J and continue south on State Route J for four miles.

4. In no case shall the commercial zone of a city be reduced due to a loss of population. The provisions of this section shall not apply to motor vehicles operating on the interstate highways in the area beyond two miles of a corporate limit of the city unless the United States Department of Transportation increases the allowable weight limits on the interstate highway system within commercial zones. In such case, the mileage limits established in this section shall be automatically increased only in the commercial zones to conform with those authorized by the United States Department of Transportation.

5. Nothing in this section shall prevent a city, county, or municipality, by ordinance, from designating the routes over which such vehicles may be operated.

6. No motor vehicle engaged in interstate commerce, whether unladen or with load, whose operations in the state of Missouri are limited exclusively to the commercial zone of a first class home rule municipality located in a county with a population between eighty thousand and ninety-five thousand inhabitants which has a portion of its corporate limits contiguous with a portion of the boundary between the states of Missouri and Kansas, shall have a greater weight than twenty-two thousand four hundred pounds on one axle, nor shall exceed fifteen feet in height.

**304.725. VETERANS DISPLAYING SPECIAL LICENSE PLATES OR CERTAIN MILITARY MEDAL RECIPIENTS MAY PARK WITHOUT CHARGE IN METERED PARKING — WINDSHIELD PLACARD FOR VETERANS AND CERTAIN MILITARY MEDAL RECIPIENTS — EXCEPTIONS. —**

1. A veteran displaying special license plates issued under section 301.145, 301.443, 301.451, [or] 301.456, [or a veteran who is a Bronze Star recipient] **301.3052, 301.3053, or 301.3075, or a Distinguished Service Cross recipient, Air Force Cross recipient, or Coast Guard Cross recipient** who displays a placard issued under subsection 2 of this section may park his or her motor vehicle, weighing not more than six thousand pounds gross weight, without charge, in a metered parking space **or in a parking lot or garage on any public college or university in the state of Missouri, except during a special event where a separate parking fee may apply.**

2. A veteran who has been awarded the [military service award known as the "Bronze Star"] **Distinguished Service Cross, Air Force Cross, Coast Guard Cross, or a veteran who qualifies for a special license plate under subsection 1 of this section** may apply to the director of revenue for a removable windshield placard **at no cost to the veteran.** Upon application, such veteran shall present proof to the director of his or her receipt of such award. Such placard shall be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

3. A local authority's compliance with this section is solely contingent upon the approval of its governing body.

4. This section does not exempt a vehicle displaying special license plates under section 301.145, 301.443, 301.451, [or] 301.456, **301.3052, 301.3053, or 301.3075,** or displaying a placard as provided in subsection 2 of this section, from compliance with any other state law or ordinance, including, but not limited to, vehicle height restrictions, zones that prohibit stopping, parking, or standing of all vehicles, parking time limitations, street sweeping, restrictions of the parking space to a particular type of vehicle, or the parking of a vehicle that is involved in the operation of a street vending business.

5. This section does not authorize a vehicle displaying special license plates under section 301.145, 301.443, 301.451, [or] 301.456, **301.3052, 301.3053, or 301.3075,** or displaying a

placard as provided in subsection 2 of this section, to park in a state parking facility that is designated only for state employees.

6. This section does not authorize a vehicle displaying special license plates under section 301.145, 301.443, 301.451, [or] 301.456, **301.3052, 301.3053, or 301.3075**, or displaying a placard as provided in subsection 2 of this section, to park during time periods other than the normal business hours of, or the maximum time allotted by, a state or local authority parking facility.

7. This section does not require the state or a local authority to designate specific parking spaces for vehicles displaying special license plates under section 301.145, 301.443, 301.451, [or] 301.456, **301.3052, 301.3053, or 301.3075**, or displaying a placard as provided in subsection 2 of this section.

**407.816. MOTOR DRIVEN VEHICLE, DEFINED FOR SECTION 407.815—EXEMPTION FOR RECREATIONAL VEHICLE DEALERS OR MANUFACTURERS.** — 1. As used in subdivision (7) of section 407.815, the term "motor vehicle" shall not include "trailer" as such term is defined in [subdivision (60) of] section 301.010.

2. Prior to August 1, 2002, the provisions of section 407.817, subdivisions (13), (17) and (18) of section 407.825 and section 407.826 shall not apply to recreational vehicle dealers or manufacturers.

3. As of August 1, 2002, the term "motor vehicle" as used in sections 407.810 to 407.835 shall not apply to recreational vehicles as defined in section 407.1320.

Approved June 29, 2017

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SB 240 [SCS SB 240]

**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 statewide license for electrical contractors**

AN ACT to amend chapter 324, RSMo, by adding thereto nine new sections relating to the statewide licensure of electrical contractors, with penalty provisions.

SECTION

- A. Enacting clause.
- 324.900. Definitions.
- 324.910. Rulemaking authority — duties of division.
- 324.915. Work exempt from statutory requirements, when.
- 324.920. Application requirements — grandfather provision — employee licensing requirements — reciprocal agreements, when.
- 324.925. Political subdivisions to recognize statewide licensure — permissible acts by political subdivisions.
- 324.930. Missouri electrical industry licensing fund created.
- 324.935. Renewal of licensure, procedure — inactive status — transfer of employment, effect on license.
- 324.940. Refusal to issue or renew license, suspension of license, when — publication of list of valid statewide license holders, complaints may be filed, causes, procedure — relicensure, when.
- 324.945. Violations, penalties.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 324, RSMo, is amended by adding thereto nine new sections, to be known as sections 324.900, 324.910, 324.915, 324.920, 324.925, 324.930, 324.935, 324.940, and 324.945, to read as follows:

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**324.900. DEFINITIONS.** — As used in sections 324.900 to 324.945, unless the context clearly indicates otherwise, the following terms shall mean:

- (1) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (2) "Division", the division of professional registration within the department of insurance, financial institutions and professional registration;
- (3) "Electrical contracting", engaging in the business of installing, erecting, or maintaining electrical wiring, fixtures, apparatus, equipment, devices, or components, regardless of voltage, that are used for generation, transmission, and utilization of electricity;
- (4) "Electrical contractor", a person engaged in electrical contracting;
- (5) "License holder", any electrical contractor who is granted a statewide license by the division;
- (6) "Local license", a valid license issued by a political subdivision. Holders of such a license are limited to practice within the political subdivision issuing the license or in a political subdivision that does not require a license;
- (7) "Person", an individual, corporation, partnership, association, or other legal entity;
- (8) "Statewide license", a valid license issued or recognized by the division that allows the licensee to practice in any jurisdiction regardless of local licensing requirements.

**324.910. RULEMAKING AUTHORITY — DUTIES OF DIVISION.** — 1. The division shall adopt, implement, rescind, amend, and administer such rules as may be necessary to carry out the provisions of sections 324.900 to 324.945. The division may promulgate necessary rules compatible with sections 324.900 to 324.945, including, but not limited to, rules relating to professional conduct, continuing competency requirements for the renewal of licenses, approval of continuing competency programs, and the establishment of ethical standards of business practice for persons holding a license pursuant to sections 324.900 to 324.945. 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, 2017, shall be invalid and void.

2. For the purpose of sections 324.900 to 324.945, the division shall:

- (1) Employ, within the limits of the appropriations for such purpose, employees as are necessary to carry out the provisions of sections 324.900 to 324.945;
- (2) Exercise all administrative functions;
- (3) Establish all applicable fees, set at an amount which shall not substantially exceed the cost of administering sections 324.900 to 324.945;
- (4) Deposit all fees collected under sections 324.900 to 324.945, by transmitting such funds to the department of revenue for deposit to the state treasury to the credit of the Missouri electrical industry licensing fund; and
- (5) Approve or disapprove certifying entities for professions within the electrical industry included in the scope of sections 324.900 to 324.945.

3. The division may terminate recognition of any certifying entity included in the scope of sections 324.900 to 324.945 following a subsequent review of the certification or registration procedures of that certifying entity.

**324.915. WORK EXEMPT FROM STATUTORY REQUIREMENTS, WHEN.** — Sections 324.900 to 324.945 shall not apply to work done by:

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(1) Any employee of an electric utility, a gas corporation as defined in section 386.020, a water corporation as defined in section 386.020, a provider of cable television service, as defined in section 386.020, or a telecommunications company as defined in section 386.020;

(2) A railroad corporation;

(3) A contractor who services the construction and maintenance of power lines or substations of an electric utility corporation, a municipal utility, a rural electric cooperative, a telecommunications company as defined in section 386.020, or a provider of cable television service as defined in section 386.020, when engaged in work of the utility, the cable television service provider, or telecommunications company;

(4) A federally licensed radio or television broadcast station or a commercial mobile radio service provider licensed by the Federal Communications Commission under the commercial mobile radio services rules and regulations;

(5) A private broadcast engineering contractor possessing a valid Society of Broadcast Engineers certification; or

(6) A contractor who is engaged in the design, installation, erection, repair, maintenance, or alteration of class two or class three remote control, signaling, or power-limited circuits, optical fiber cables or other cabling, or communications circuits, including raceways, as defined in the National Electrical Code for voice, video, audio, and data signals in residential or commercial premises.

**324.920. APPLICATION REQUIREMENTS — GRANDFATHER PROVISION — EMPLOYEE LICENSING REQUIREMENTS — RECIPROCAL AGREEMENTS, WHEN. — 1.** The applicant for a statewide electrical contractor's license shall satisfy the following requirements:

(1) Be at least twenty-one years of age;

(2) Provide proof of liability insurance in the amount of five hundred thousand dollars, and post a bond with each political subdivision in which he or she will perform work, as required by that political subdivision;

(3) Pass a standardized and nationally accredited electrical assessment examination that has been created and administered by a third party and that meets current national industry standards, as determined by the division;

(4) Pay for the costs of such examination; and

(5) Have completed one of the following:

(a) Twelve thousand verifiable practical hours installing equipment and associated wiring;

(b) Ten thousand verifiable practical hours installing equipment and associated wiring and have received an electrical journeyman certificate from a United States Department of Labor-approved electrical apprenticeship program;

(c) Eight thousand verifiable practical hours installing equipment and associated wiring and have received an associate's degree from a state-accredited program; or

(d) Four thousand verifiable practical hours supervising the installation of equipment and associated wiring and have received a four-year electrical engineering degree.

2. Electrical contractors who hold an electrical contractor license in good standing that was issued by any authority in this state that required prior to January 1, 2018, the passing of a standardized and nationally accredited written electrical assessment examination that is based upon the National Electrical Code and who have completed twelve thousand hours of verifiable practical experience shall be issued a statewide license. The provisions of this subsection shall apply only to electrical contractor licenses issued by a political subdivision with the legal authority to issue such licenses.

3. Each corporation, firm, institution, organization, company, or representative thereof engaging in electrical contracting shall have in its employ, at a supervisory level, at least one electrical contractor who possesses a statewide license in accordance with sections 324.900 to 324.945. A statewide licensed electrical contractor shall represent only one firm, company, corporation, institution, or organization at one time.

4. Any person operating as an electrical contractor in a political subdivision that does not require the contractor to hold a local license shall not be required to possess a statewide license under sections 324.900 to 324.945 to continue to operate as an electrical contractor in such political subdivision.

5. The division may negotiate reciprocal agreements with other states, the District of Columbia, or territories of the United States which require standards for licensure, registration, or certification considered to be equivalent or more stringent than the requirements for licensure under sections 324.900 to 324.945.

**324.925. POLITICAL SUBDIVISIONS TO RECOGNIZE STATEWIDE LICENSURE — PERMISSIBLE ACTS BY POLITICAL SUBDIVISIONS. — 1.** Political subdivisions shall not be prohibited from establishing their own local electrical contractor's license, but shall recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within such political subdivision.

2. If a political subdivision does not recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within the political subdivision, then a statewide licensee may file a complaint with the division. The division shall perform an investigation into the complaint, and if the division finds that the political subdivision failed to recognize a statewide license in accordance with this section, then the division shall notify the political subdivision that the political subdivision has violated the provisions of this section and has thirty days to comply with the law. If after thirty days the political subdivision still does not recognize a statewide license, then the division shall notify the director of the department of revenue who shall withhold any moneys the noncompliant political subdivision would otherwise be entitled to from local sales tax as defined in section 32.085 until the director has received notice from the division that the political subdivision is in compliance with this section. Upon the political subdivision coming into compliance with the provisions of this section, the division shall notify the director of the department of revenue who shall disburse all funds held under this subsection. 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. The provisions of this section shall not prohibit any political subdivision in this state from:

- (1) Enforcing any code or law contained in this section;
- (2) Implementing an electrical code based upon the National Electrical Code;
- (3) Issuing an electrical contractor license or communication contractor license valid for that political subdivision;
- (4) Requiring a business license to perform electrical contracting work;
- (5) Issuing electrical contracting permits;
- (6) Enforcing codes of the political subdivision;
- (7) Inspecting the work of a statewide license holder; and
- (8) Licensing electricians provided that such licenses are based upon professional experience and passage of a nationally accredited Electrical Assessment Examination that is administered on a routine and accessible schedule.

4. Political subdivisions that do not have the authority to issue or require electrical licenses prior to August 28, 2017, shall not be granted such authority under the provisions of this section.

**324.930. MISSOURI ELECTRICAL INDUSTRY LICENSING FUND CREATED. —** There is hereby created in the state treasury the "Missouri Electrical Industry Licensing Fund", which shall consist of money collected under sections 324.900 to 324.945. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund



shall be used solely for the administration of sections 324.900 to 324.945. The provisions of section 33.080 to the contrary notwithstanding, moneys in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding fiscal year. 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.

**324.935. RENEWAL OF LICENSURE, PROCEDURE — INACTIVE STATUS — TRANSFER OF EMPLOYMENT, EFFECT ON LICENSE. — 1.** Starting in 2020, licenses shall be renewed once every three years. The division shall mail a renewal notice to the last known address of each person licensed under sections 324.900 to 324.945 prior to the renewal date. Failure to provide the division with the information required for renewal or to pay the required fee after such notice shall result in the license being declared inactive. The licensee shall not practice until he or she applies for reinstatement and pays the required fees. The license shall be restored if the application for reinstatement is received within two years of the renewal date.

2. Upon request, the division may grant inactive status to a licensee if the person:

(1) Does not hold himself or herself out as possessing a license required under sections 324.900 to 324.945 in this state; and

(2) Does not maintain any continuing competency requirements established by the division.

3. If an electrical contractor transfers employment from one company to another, all permits on the contractor's license shall first be cleared. It is the responsibility of the contractor to notify the division of the contractor's intent to transfer employment and any current active permits on the contractor's license when transferring employment. Upon such notification, the division shall notify all affected political subdivisions via electronic communication of the contractor's status. It shall be assumed all permits are cleared if no response is given otherwise by affected political subdivisions within seventy-two hours of the notification.

**324.940. REFUSAL TO ISSUE OR RENEW LICENSE, SUSPENSION OF LICENSE, WHEN — PUBLICATION OF LIST OF VALID STATEWIDE LICENSE HOLDERS, COMPLAINTS MAY BE FILED, CAUSES, PROCEDURE — RELICENSURE, WHEN. — 1.** The division may refuse to issue or renew or may suspend any license required under sections 324.900 to 324.945 for one or any combination of causes stated in subsection 4 of this section. The division 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 division shall publish via electronic media and update on a weekly basis a list of valid statewide license holders, a list of current enforcement actions against license holders, and the procedures for filing grievances against licensees.

3. The permitting authority of each political subdivision may suspend a contractor's work in that political subdivision for a period of up to thirty days while a complaint is being forwarded by the permitting authority to the division for adjudication.

4. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 324.900 to 324.945 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) The final adjudication and finding of guilty, or the entering of a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated by sections 324.900 to 324.945, for any offense an essential element of which is fraud, dishonesty, or an act of violence, whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation, or bribery in securing any license issued under sections 324.900 to 324.945 or in obtaining permission to take any examination given or required under sections 324.900 to 324.945;

(3) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(4) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions and duties of any profession licensed or regulated by sections 324.900 to 324.945;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.900 to 324.945 or any lawful rule adopted under sections 324.900 to 324.945;

(6) Impersonation of any person holding a license or allowing any person to use his or her license;

(7) Final adjudication of a person as insane or incompetent by a court of competent jurisdiction;

(8) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.900 to 324.945 who is not registered and currently eligible to practice under sections 324.900 to 324.945;

(9) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact.

5. 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 4 of this section for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation with such terms and conditions as the division 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.

6. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the division after compliance with all requirements of sections 324.900 to 324.945 relative to the previous licensing of the applicant.

**324.945. VIOLATIONS, PENALTIES.** — 1. Any person that knowingly violates any provision of sections 324.900 to 324.945 is guilty of a class B misdemeanor.

2. Any officer or agent of a corporation or member or agent of a partnership or association who knowingly and personally participates in or is an accessory to any violation of sections 324.900 to 324.945 is guilty of a class B misdemeanor.

3. The division may cause a complaint to be filed for any violation of sections 324.900 to 324.945 in any court of competent jurisdiction and perform such other acts as may be necessary to enforce the provisions of sections 324.900 to 324.945.

Approved June 29, 2017

SB 248 [SB 248]

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

**Repeals expiration date for tax refund contributions to Organ Donor Program Fund**

AN ACT to repeal section 143.1016, RSMo, and to enact in lieu thereof one new section relating to the organ donor program fund.

SECTION

A. Enacting clause.

143.1016. Organ Donor Program fund, designation of refund permitted — director's duties.

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

**SECTION A. ENACTING CLAUSE.** — Section 143.1016, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.1016, to read as follows:

**143.1016. ORGAN DONOR PROGRAM FUND, DESIGNATION OF REFUND PERMITTED — DIRECTOR'S DUTIES.** — 1. For all tax years beginning on or after January 1, 2011, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that two dollars or any amount in excess of two dollars on a single return, and four dollars or any amount in excess of four dollars on a combined return, of the refund due be credited to the organ donor program fund established in section 194.297. The contribution designation authorized by this section shall be clearly and unambiguously printed on each income tax return form provided by this state. If any individual that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the organ donor program fund, such individual may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, clearly designated for the organ donor program fund, the amount the individual wishes to contribute. The department of revenue shall deposit such amount to the organ donor program fund as provided in subsection 2 of this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals under this section, less an amount sufficient to cover the cost of collecting and handling by the department of revenue which shall not exceed five percent of the transferred contributions, to the state treasurer for deposit in the state treasury to the credit of the organ donor program fund. A contribution designated under this section shall only be transferred and deposited in the organ donor program fund after all other claims against the refund from which such contribution is to be made have been satisfied.

3. All moneys transferred to the fund shall be distributed as provided in this section and sections 194.297 and 194.299.

[4. 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 August 28, 2011, 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 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.]

Approved June 20, 2017

SB 279 [SCS SB 279]

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

**Adds certain forms to the list of documents sufficient to demonstrate eligibility for a veteran designation on an applicant's driver's license or a nondriver identification card**

AN ACT to repeal section 302.188, RSMo, and to enact in lieu thereof one new section relating to veteran designations on driver's licenses and identification cards.

SECTION

A. Enacting clause.

302.188. Veteran designation on driver's licensed or ID card, requirements — rulemaking authority.

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

**SECTION A. ENACTING CLAUSE.** — Section 302.188, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.188, to read as follows:

**302.188. VETERAN DESIGNATION ON DRIVER'S LICENSED OR ID CARD, REQUIREMENTS — RULEMAKING AUTHORITY.** — 1. A person may apply to the department of revenue to obtain a veteran designation on a driver's license or identification card issued under this chapter by providing:

(1) A United States Department of Defense discharge document, otherwise known as a DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the Armed Forces of the United States; or

(2) A United States Uniformed Services Identification Card, otherwise known as a DD Form 2, that includes a discharge status of "retired" or "reserve retired" establishing the person's service in the Armed Forces of the United States; [and] or

(3) **A United States Department of Veterans Affairs photo identification card; or**

(4) **A discharge document WD AGO 53, WD AGO 55, WD AGO 53-55, NAVPERS 553, NAVMC 78 PD, NAVCG 553, or DD 215 form that shows a discharge status of "honorable" or "general under honorable conditions"; and**

(5) Payment of the fee for the driver's license or identification card authorized under this chapter.

2. If the person is seeking a duplicate driver's license with the veteran designation and his or her driver's license has not expired, the fee shall be as provided under section 302.185.

3. The department of revenue may determine the appropriate placement of the veteran designation on the driver's licenses and identification cards authorized under this section and may promulgate the necessary rules for administration of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

Approved June 14, 2017

## SB 283 [CCS HCS SB 283]

**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 political subdivisions**

AN ACT to repeal sections 67.402, 67.505, 67.547, 67.1364, 68.075, 94.510, 137.565, 162.492, 229.150, 233.180, and 304.120, RSMo, and to enact in lieu thereof eleven new sections relating to political subdivisions.

## SECTION

- A. Enacting clause.
- 67.402. Abatement of nuisance in certain counties (Andrew, Boone, Buchanan, Cass, Cole, Dade, Jasper, Jefferson, Livingston, Newton, St. Francois, Taney) — ordinance requirements.
- 67.505. Election procedure — sales tax imposed, property taxes to be reduced — rate of tax — no zoological taxes permitted.
- 67.547. Sales tax imposed in counties — election procedure — rate of tax — St. Louis County and New Madrid County, distribution of revenue, limitation on use — zoological taxes, limitations — all-county trust fund for overpayment refunds and bad check redemption — abolishing tax, procedure.
- 67.1364. Tourism commission — members, appointment, qualifications — tax revenue, limitations on use.
- 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.
- 94.510. Imposition of tax, election — rate — collection — abolishment of tax, effect of.
- 137.565. Election for tax — petition — duty of county commission.
- 162.492. Director districts, candidates from subdistricts and at large — terms — vacancy, how filled.
- 229.150. Ditches and crossings, how made — obstructions or damage prohibited, exception — violations, remedy — inapplicability to charter counties and St. Louis City.
- 233.180. Commissioners of the special road district, how selected.
- 304.120. Municipal regulations — owner or lessor not liable for violations, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 67.402, 67.505, 67.547, 67.1364, 68.075, 94.510, 137.565, 162.492, 229.150, 233.180, and 304.120, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 67.402, 67.505, 67.547, 67.1364, 68.075, 94.510, 137.565, 162.492, 229.150, 233.180, and 304.120, to read as follows:

**67.402. ABATEMENT OF NUISANCE IN CERTAIN COUNTIES (ANDREW, BOONE, BUCHANAN, CASS, COLE, DADE, JASPER, JEFFERSON, LIVINGSTON, NEWTON, ST. FRANCOIS, TANEY) — ORDINANCE REQUIREMENTS.** — 1. The governing body of the following counties may enact nuisance abatement ordinances as provided in this section:

- (1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;
- (2) Any county of the first classification with more than seventy-one thousand three hundred but fewer than seventy-one thousand four hundred inhabitants;
- (3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants;
- (4) Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;
- (5) Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants;
- (6) Any county of the third classification with a township form of government and with more than fourteen thousand five hundred but fewer than fourteen thousand six hundred inhabitants;

(7) Any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants;

(8) Any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants;

(9) Any county of the third classification with a township form of government and with more than seven thousand nine hundred but fewer than eight thousand inhabitants; [and]

(10) Any county of the second classification with more than fifty-two thousand six hundred but fewer than fifty-two thousand seven hundred inhabitants;

**(11) Any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants and with a county seat with more than fifteen thousand but fewer than seventeen thousand inhabitants; and**

**(12) Any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants and with a county seat with more than two thousand one hundred but fewer than two thousand four hundred inhabitants.**

2. The governing body of any county described in subsection 1 of this section may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, or overgrown or noxious weeds in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

3. Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

4. Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county 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 county collector's option, for the property and the certified cost shall be collected by the county collector 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 until paid.

5. Nothing in this section authorizes any county to enact nuisance abatement ordinances that provide for the abatement of any condition relating to agricultural structures or agricultural operations, including but not limited to the raising of livestock or row crops.

6. No county of the first, second, third, or fourth classification shall have the power to adopt any ordinance, resolution, or regulation under this section governing any railroad company regulated by the Federal Railroad Administration.

**67.505. ELECTION PROCEDURE — SALES TAX IMPOSED, PROPERTY TAXES TO BE REDUCED — RATE OF TAX — NO ZOOLOGICAL TAXES PERMITTED.** — 1. Any county may, by a majority vote of its governing body, impose a county sales tax, in conjunction with a property tax reduction for each year in which the sales tax is imposed, for the benefit of such county in accordance with the provisions of sections 67.500 to 67.545; provided, however, that no ordinance or order enacted pursuant to the authority granted by the provisions of sections 67.500 to 67.545 shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax and reduce property taxes under the provisions of sections 67.500 to 67.545.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of \_\_\_\_\_ (county's name) impose a countywide sales tax of \_\_\_\_\_ (insert amount) and reduce its total property tax levy annually by \_\_\_\_\_ (insert amount) percent of the total amount of sales tax revenue collected in the same tax year?

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 thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax and reduce the property tax as herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax and reduce the property tax under the provisions of sections 67.500 to 67.545 and such proposal is approved by a majority of the qualified voters voting thereon.

3. The sales tax may be imposed at a rate of one-fourth of one percent, three-eighths of one percent or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any 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. Each year in which a sales tax is imposed under the provisions of sections 67.500 to 67.545, the county shall, after determining its budget, excluding funds required to be set aside and placed to the credit of special road districts, within the limits set by the constitution and laws of this state for the following calendar year and the total property tax levy needed to raise the

revenues required by such budget, reduce that total property tax levy in an amount sufficient to decrease the total property taxes it will collect by an amount equal to one of the following:

- (1) Fifty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;
- (2) Sixty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;
- (3) Seventy percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;
- (4) Eighty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;
- (5) Ninety percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;
- (6) One hundred percent of the sales tax revenue collected in the tax year for which the property taxes are being levied; provided that, in the event that in the immediately preceding year a county actually collected more or less sales tax revenue than the amount determined under subdivision (4) of section 67.500, the county shall adjust its total property tax levy for the current year to reflect such increase or decrease.

**4. No county in this state shall impose a tax under this section for the purpose of funding in whole or in part the construction, operation, or maintenance of any zoological activities, zoological facilities, zoological organizations, the metropolitan zoological park and museum district as created under section 184.350, or any zoological boards.**

**67.547. SALES TAX IMPOSED IN COUNTIES — ELECTION PROCEDURE — RATE OF TAX — ST. LOUIS COUNTY AND NEW MADRID COUNTY, DISTRIBUTION OF REVENUE, LIMITATION ON USE — ZOOLOGICAL TAXES, LIMITATIONS — ALL-COUNTY TRUST FUND FOR OVERPAYMENT REFUNDS AND BAD CHECK REDEMPTION — ABOLISHING TAX, PROCEDURE.**

— 1. In addition to the tax authorized by section 67.505, any county **as defined in section 67.750** may, by a majority vote of its governing body, impose an additional county sales tax on all sales which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales tax allowed by law; except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose such tax.

2. The ballot of submission shall contain, but need not be limited to the following language:

Shall the county of ..... (county's name) impose a countywide sales tax of .....  
(insert rate) percent **for the purpose of .....(insert purpose)?**  
 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 thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax as herein authorized unless and until the governing body of the county submits another proposal to authorize the governing body of the county to impose the sales tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon. **A county shall not submit to the voters a proposed sales tax under this section for a period of two years from the date of an election in which the county previously submitted to the voters a**



**proposed sales tax under this section, regardless of whether the initial proposed sales tax was approved or disapproved by the voters. The revenue collected from the sales tax authorized under this section shall only be used for the purpose approved by voters of the county.**

3. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any 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. **In any city not within a county or any county described in subsection 5 of this section, no sales tax for the purpose of funding zoological activities and zoological facilities as those terms are defined in section 184.500 shall exceed a rate of one-eighth of one percent unless the sales tax was levied and collected before August 28, 2017. Beginning August 28, 2017, no county shall submit to the voters any proposal that results in a combined rate of sales taxes adopted under this section in excess of one percent.**

4. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

5. In any first class county having a charter form of government and having a population of nine hundred thousand or more, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-eighths of the proceeds of the tax shall be distributed to the county and the remaining five-eighths shall be distributed to the cities, towns and villages and the unincorporated area of the county on the ratio that the population of each bears to the total population of the county. **Three-eighths of the tax rate adopted by such a county shall be included in the calculation of the county's one percent combined tax rate ceiling provided in subsection 3 of this section.** The population of each city, town or village and the unincorporated area of the county and the total population of the county shall be determined on the basis of the most recent federal decennial census. **The provisions of this subsection shall not apply if the revenue collected is used to support zoological activities of the zoological subdistrict as defined under section 184.352.**

6. Except as prohibited under section 184.353, residents of any county that does not adopt a sales tax under this section for the purpose of supporting zoological activities may be charged an admission fee for zoological facilities, programs, or events that are not part of the zoological subdistrict defined under subdivision (15) of section 184.352 as of August 28, 2017.

7. **In any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-fourths of the proceeds of the tax shall be distributed to the county and the remaining one-fourth shall be distributed equally among the incorporated cities, towns, and villages of the county. Upon request from any city, town, or village within the county, the county shall make available for inspection the distribution report provided to the county by the department of revenue. Any expenses incurred by the county in supplying such report to a city, town, or village shall be paid by such city, town, or village.**

[7.] 8. In any first class county having a charter form of government and having a population of nine hundred thousand or more, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

[8.] 9. **No county in this state, other than a county with a charter form of government and with more than nine hundred fifty thousand inhabitants and a city not within a county, shall impose a tax under this section for the purpose of funding in whole or in part**

the construction, operation, or maintenance of any zoological activities, zoological facilities, zoological organizations, the metropolitan zoological park and museum district as created under section 184.350, or any zoological boards.

10. 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.

11. No revenue received from a tax for the purpose of funding zoological activities in any county shall be used for the benefit of any entity that has ever been named Grant's Farm or is located at ten thousand five hundred one Gravois Road, Saint Louis, Missouri, or successor address, or to supplant any funding received from the metropolitan zoological park and museum district established under section 184.350.

**67.1364. TOURISM COMMISSION — MEMBERS, APPOINTMENT, QUALIFICATIONS — TAX REVENUE, LIMITATIONS ON USE.** — 1. Upon adoption of the tourism sales tax, there shall be established a tourism commission to consist of five members appointed by the governing body of the city or county. Of these five members, one will be a representative of the hotel and motel industry and two shall be active in the tourism industry; the remaining members of the commission will be members of local general business interests in the city or county. One member of the city or county governing body shall serve as liaison in a nonvoting capacity. **If members of a tourism commission are appointed by the governing body of a city, all members shall be a resident of the city or county in which any part of the city is located. If members of a tourism commission are appointed by the governing body of a county, all members shall be a resident of such county.** Members of the tourism commission will be appointed for a term of three years; but, of the members first appointed, one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Members of the commission may serve no more than two consecutive terms. The members will serve without compensation.

2. The revenue received from the tax shall be deposited in a special fund and used solely to promote tourism. The commission shall administer the moneys within the limits of the budget approved by the city or county governing body.

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

(3) "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] county 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, **ownership, or control**, 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 **or under the port authority's ownership or control, and may be expanded or contracted by resolution of the port authority board of commissioners.**

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 **revenue** 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.

**94.510. IMPOSITION OF TAX, ELECTION —RATE —COLLECTION —ABOLISHMENT OF TAX, EFFECT OF.** — 1. Any city may, by a majority vote of its council or governing body, impose a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500 to 94.550; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 94.500 to 94.550 shall be effective unless the legislative body of the city submits to the voters of the city, at a public election, a proposal to authorize the

legislative body of the city to impose a tax under the provisions of sections 94.500 to 94.550. The ballot of submission shall be in substantially the following form:

Shall the city of \_\_\_\_\_ (insert name of city) impose a city sales tax of \_\_\_\_\_ (insert rate of percent) percent?

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 and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the legislative body of the city shall have no power to impose the tax herein authorized unless and until the legislative body of the city shall again have submitted another proposal to authorize the legislative body of the city to impose the tax under the provisions of sections 94.500 to 94.550, and such proposal is approved by a majority of the qualified voters voting thereon.

2. The sales tax may be imposed at a rate of one-half of one percent, seven-eighths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525; except that, each city not within a county may impose such tax at a rate not to exceed one and three-eighths percent. **Beginning August 28, 2017, no city shall submit to the voters any proposal that results in a combined rate of sales taxes adopted under this section in excess of two percent.**

3. If any city in which a city tax has been imposed in the manner provided for in sections 94.500 to 94.550 shall thereafter change or alter its boundaries, the city clerk of the city shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by the act shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

4. If any city abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section 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 such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

**137.565. ELECTION FOR TAX — PETITION — DUTY OF COUNTY COMMISSION. —**

Whenever ten or more voters residing in **or owners of land in** any general or special road district in any county in this state shall petition the county commission of the county in which such district is located, asking that such commission submit the question in such district for the purpose of voting for or against the levy of the tax provided for in [the second sentence of the first paragraph of] Section 12(a) of Article X of the Constitution of Missouri, it shall be the duty of the county commission, upon the filing of such petition, to submit the question. The petition so filed shall set out the duration of the tax to be levied in a period of one, two, three, or four years and the ballot to be used for voting shall specify the number of years duration of the tax levy, but in no event shall the duration of the tax levy be for a period of more than four years.

Such submission shall be made by an order entered of record setting forth the date and the rate of tax the commission will levy, which rate shall not exceed thirty-five cents on the hundred dollars assessed valuation on all taxable real and tangible personal property in the district.

**162.492. DIRECTOR DISTRICTS, CANDIDATES FROM SUBDISTRICTS AND AT LARGE — TERMS — VACANCY, HOW FILLED.** — 1. In all urban districts containing the greater part of the population of a city which has more than three hundred thousand inhabitants, the election authority of the city in which the greater portion of the school district lies, and of the county if the district includes territory not within the city limits, shall serve ex officio as a redistricting commission. The commission shall on or before November 1, 2018, divide the school district into five subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in the number of inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as soon as practicable after each United States decennial census. In establishing the subdistricts each member shall have one vote and a majority vote of the total membership of the commission is required to make effective any action of the commission.

2. School elections for the election of directors shall be held on municipal election days in 2014 and 2016. At the election in 2014, directors shall be elected to hold office until 2019 and until their successors are elected and qualified. At the election in 2016, directors shall be elected until 2019 and until their successors are elected and qualified. Beginning in 2019, school elections for the election of directors shall be held on the local election date as specified in the charter of a home rule city with more than four hundred thousand inhabitants and located in more than one county. Beginning at the election for school directors in 2019, the number of directors on the board shall be reduced from nine to seven. Two directors shall be at-large directors and five directors shall represent the subdistricts, with one director from each of the subdistricts. [Directors shall serve a four-year term] **At the 2019 election, one of the at-large directors and the directors from subdistricts one, three, and five shall be elected for a two-year term, and the other at-large director and the directors from subdistricts two and four shall be elected for a four-year term. Thereafter, all seven directors shall serve a four-year term.** Directors shall serve until the next election and until their successors, then elected, are duly qualified as provided in this section. In addition to other qualifications prescribed by law, each member elected from a subdistrict shall be a resident of the subdistrict from which he or she is elected. The subdistricts shall be numbered from one to five. [Each voter may vote for two candidates for at-large director and the two receiving the largest number of votes cast shall be elected.]

3. The five candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the at-large votes shall be elected. The name of no candidate for nomination shall be printed on the ballot unless the candidate has at least sixty days prior to the election filed a declaration of candidacy with the secretary of the board of directors containing the signatures of at least two hundred fifty registered voters who are residents of the subdistrict within which the candidate for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of at least five hundred registered voters. The election authority shall determine the validity of all signatures on declarations of candidacy.

4. In any election either for at-large candidates or candidates elected by the voters of subdistricts, if there are more than two candidates, a majority of the votes are not required to elect but the candidate having a plurality of the votes [if there is only one office to be filled and the candidates having the highest number of votes, if more than one office is to be filled,] shall be elected.

5. The names of all candidates shall appear upon the ballot without party designation and in the order of the priority of the times of filing their petitions of nomination. No candidate may file both at large and from a subdistrict and the names of all candidates shall appear only once on the ballot, nor may any candidate file more than one declaration of candidacy. All

declarations shall designate the candidate's residence and whether the candidate is filing at large or from a subdistrict and the numerical designation of the subdistrict or at-large area.

6. The provisions of all sections relating to seven-director school districts shall also apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to the extent applicable and not in conflict with the provisions of those sections specifically relating to such urban districts.

7. Vacancies which occur on the school board between the dates of election shall be filled by special election if such vacancy happens more than six months prior to the time of holding an election as provided in subsection 2 of this section. The state board of education shall order a special election to fill such a vacancy. A letter from the commissioner of education, delivered by certified mail to the election authority or authorities that would normally conduct an election for school board members shall be the authority for the election authority or authorities to proceed with election procedures. If a vacancy occurs less than six months prior to the time of holding an election as provided in subsection 2 of this section, no special election shall occur and the vacancy shall be filled at the next election day on which local elections are held as specified in the charter of any home rule city with more than four hundred thousand inhabitants and located in more than one county.

**229.150. DITCHES AND CROSSINGS, HOW MADE — OBSTRUCTIONS OR DAMAGE PROHIBITED, EXCEPTION — VIOLATIONS, REMEDY — INAPPLICABILITY TO CHARTER COUNTIES AND ST. LOUIS CITY.** — 1. All driveways or crossings over ditches connecting highways with the private property shall be made under the supervision of the **road** overseer or commissioners of the road districts.

2. [Any] **No** person or persons [who] shall willfully [or] **and** knowingly obstruct or damage any public road by obstructing the side or cross drainage or ditches thereof, or by turning water upon such road or right-of-way, or by throwing or depositing brush, trees, stumps, logs, or any refuse or debris whatsoever, in said road, or on the sides or in the ditches thereof, or by fencing across or upon the right-of-way of the same, or by planting any hedge or erecting any advertising sign within the lines established for such road, or by changing the location thereof, or shall obstruct **or damage** said road, highway, or drains in any other manner whatsoever], shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment].

3. **Road damage or obstruction shall not constitute violations under this section when farming or ranching lands have been improved either using soil and water conservation practices implemented in conformance with the Missouri soil and water conservation program or natural resources conservation service technical standards or using precision level grading practices.**

4. **The road overseer of any district, or county highway engineer, who finds any road damaged or obstructed as above specified, [shall] may notify the [person] landowner violating the provisions of this section, [verbally or] in writing, using any mail service with delivery tracking, to remove such obstruction, to repair such damage in a manner approved by the road overseer or county highway engineer making the request, or to pay the reasonable cost of such removal or repair. [Within ten days after being notified, he shall pay the sum of five dollars for each and every day after the tenth day if such obstruction is maintained or permitted to remain; such fine to be recovered by suit brought by the road overseer, in the name of the road district, in any court of competent jurisdiction] If the landowner fails to remove any obstruction, make any repairs, or remit any payment of costs as requested within thirty days of the tracked delivery date, the road overseer or county highway engineer may petition the associate circuit court of the county in which the land is located to authorize the overseer or engineer or an agent or employee thereof, to enter the landowner's land to remove the obstruction or to repair the damage, in order**

to restore the roadway or drainage ditch to a condition substantially the same as the adjacent roadways and drainage ditches. Such entry on the landowner's lands shall be limited to the extent necessary to repair the roadway or drainage ditch, and shall constitute no cause of action for trespass. Such authorization and entry shall not be granted until the opportunity for a hearing has been completed and the petition has been granted. The petition shall include an estimate of the costs.

5. If the court enters a judgment granting the petition and authorizing the actions requested therein, the judgment shall include an award for the reasonable cost of removal or repair, court costs, and reasonable attorney's fees, and shall become a lien on such lands, and shall be collected as state and county taxes are collected by law. If the court denies the petition, the county shall be responsible for the landowner's court costs and reasonable attorney's fees.

6. The provisions of this section shall not apply to any county with a charter form of government or any city not within a county.

**233.180. COMMISSIONERS OF THE SPECIAL ROAD DISTRICT, HOW SELECTED.** — 1. At the term of the county commission in which such order is made, or at any subsequent term thereafter, the county commission shall appoint three commissioners of the special road district, who shall be voters of the district and owners of land within the district, who shall hold their office until the second Tuesday in April thereafter. The voters of the district shall elect three commissioners of the special road district, one of whom shall serve one year, one for two years and one for three years, and on municipal election days each year thereafter they shall elect a commissioner of the special road district to take the place of the one whose term is about to expire, who shall serve three years.

2. No person shall be elected or appointed commissioner of the special road district who is not a voter of **the district or a registered voter from the county in which the district is located and an owner of land in the district.** Any vacancy caused by resignation, death, removal from the district of a commissioner of the special road district or sale of all land owned by [him] **the commissioner** in the district shall be filled for the unexpired term by appointment by the remaining commissioners of the special road district. All commissioners of the special road district shall qualify by taking, subscribing and filing with the county clerk the oath prescribed by the constitution of this state, and that they will faithfully, honestly and impartially discharge their duties as commissioners of the special road district according to law.

3. If for any reason the board of commissioners of the special road district herein mentioned shall fail to fill a vacancy or vacancies caused by the expiration of the term of any one or more of the commissioners of the special road district, then the county commission is hereby authorized and required to appoint a person to fill the vacancy. **In the event that two consecutive elections pass without any candidates for a special road district commissioner in municipal elections, then the county commission is hereby authorized and required to appoint commissioners of the special road district for three-year terms thereafter with no further elections being held.**

**304.120. MUNICIPAL REGULATIONS — OWNER OR LESSOR NOT LIABLE FOR VIOLATIONS, WHEN.** — 1. Municipalities, by ordinance, may establish reasonable speed regulations for motor vehicles within the limits of such municipalities. No person who is not a resident of such municipality and who has not been within the limits thereof for a continuous period of more than forty-eight hours shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the place where the boundary of such municipality joins or crosses any highway a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such municipality so that such sign may be clearly seen by operators and drivers from their vehicles upon entering such municipality.

2. Municipalities, by ordinance, may:
  - (1) Make additional rules of the road or traffic regulations to meet their needs and traffic conditions;
  - (2) Establish one-way streets and provide for the regulation of vehicles thereon;
  - (3) Require vehicles to stop before crossing certain designated streets and boulevards;
  - (4) Limit the use of certain designated streets and boulevards to passenger vehicles, except that each municipality shall allow at least one route, with lawful traffic movement and access from both directions, to be available for use by commercial motor vehicles to access any roads in the state highway system. Under no circumstances shall the provisions of this subdivision be construed to authorize a municipality to limit the use of all routes in the municipality. **The use by commercial motor vehicles of a municipality-designated route for such vehicles in compliance with any ordinances of the designating municipality shall not be deemed a nuisance or evidence of a nuisance. Nothing contained in this subdivision is intended to modify or limit recovery for any claim that is independent of a nuisance claim;**
  - (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid rubber tires;
  - (6) Regulate the parking of vehicles on streets by the installation of parking meters for limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;
  - (7) Require the use of signaling devices on all motor vehicles; and
  - (8) Prohibit sound-producing warning devices, except horns directed forward.
3. No ordinance shall be valid which contains provisions contrary to or in conflict with this chapter, except as herein provided.
4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the vehicle is being permissively used by a lessee and is illegally parked or operated if the registered owner-lessor of such vehicle furnishes the name, address and operator's license number of the person renting or leasing the vehicle at the time the violation occurred to the proper municipal authority within three working days from the time of receipt of written request for such information. Any registered owner-lessor who fails or refuses to provide such information within the period required by this subsection shall be liable for the imposition of any fine established by municipal ordinance for the violation. Provided, however, if a leased motor vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal parking of such vehicle.
5. No ordinance shall deny the use of commercial motor vehicles on all routes within the municipality. For purposes of this section, the term "route" shall mean any state road, county road, or public street, avenue, boulevard, or parkway.
6. No ordinance shall prohibit the operator of a motor vehicle from being in an intersection while a red signal is being displayed if the operator of the motor vehicle entered the intersection during a yellow signal interval. The provisions of this subsection shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision that are to the contrary.

Approved July 11, 2017

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SB 322 [SCS SB 322]

**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 memorial infrastructure**

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AN ACT to amend chapter 227, RSMo, by adding thereto six new sections relating to the designation of certain memorial infrastructure.

## SECTION

- A. Enacting clause.
- 227.447. USMA Cadet Thomas M. Surdyke Memorial Highway designated for a portion of I-55 in Jefferson County.
- 227.449. Sherman Brown Jr. Memorial Highway designated for a portion of State Highway 163 in Boone County.
- 227.532. Edward F. Dixon The Third Memorial Highway designated for a portion of Missouri 249 in Jasper County.
- 227.533. Lyndon Ebker Memorial Bridge designated for the bridge on State Highway 100 crossing over Big Boeuf Creek in Franklin County.
1. Mary Groves Bland Memorial Bridge designated for the bridge on I-70 crossing over the Paseo Boulevard in Kansas City.
  2. Roger "Dusty" Shaw Memorial Bridge designated for the bridge on State Highway 99 crossing over Eleven Point River in Thomasville in Oregon 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 six new sections, to be known as sections 227.447, 227.449, 227.532, 227.533, 1, and 2, to read as follows:

**227.447. USMA CADET THOMAS M. SURDYKE MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-55 IN JEFFERSON COUNTY.** — The portion of Interstate Highway 55 from its interchange with U.S. Highway 61 at exit 170 continuing north to the point at which U.S. Highway 61 overpasses Interstate Highway 55 in Jefferson County shall be designated the "USMA Cadet Thomas M. Surdyke Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid by private donations.

**227.449. SHERMAN BROWN JR. MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 163 IN BOONE COUNTY.** — The portion of State Highway 163 from the interchange with Interstate 70 continuing south to Loop 70 in Boone County shall be designated as "Sherman Brown Jr. Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid by private donations.

**227.532. EDWARD F. DIXON THE THIRD MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF MISSOURI 249 IN JASPER COUNTY.** — The portion of Missouri 249 from State Highway VV continuing north to Missouri 171 in Jasper County shall be designated as the "Edward F Dixon The Third 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.

**227.533. LYNDON EBKER MEMORIAL BRIDGE DESIGNATED FOR THE BRIDGE ON STATE HIGHWAY 100 CROSSING OVER BIG BOEUF CREEK IN FRANKLIN COUNTY.** — The bridge on State Highway 100 crossing over Big Boeuf Creek in Franklin County shall be designated the "Lyndon Ebker Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs of such designation to be paid for by private donation.

**SECTION 1. MARY GROVES BLAND MEMORIAL BRIDGE DESIGNATED FOR THE BRIDGE ON I-70 CROSSING OVER THE PASEO BOULEVARD IN KANSAS CITY.** — The bridge on Interstate 70 crossing over The Paseo Boulevard in the city of Kansas City in Jackson

County shall be designated as the "Mary Groves Bland Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs of such designation to be paid for by private donation.

**SECTION 2. ROGER "DUSTY" SHAW MEMORIAL BRIDGE DESIGNATED FOR THE BRIDGE ON STATE HIGHWAY 99 CROSSING OVER ELEVEN POINT RIVER IN THOMASVILLE IN OREGON COUNTY.**— The bridge on State Highway 99 crossing over Eleven Point River in Thomasville in Oregon County shall be designated as the "Roger "Dusty" Shaw Memorial Bridge". The department of transportation shall erect and maintain signs designating such bridge, with the cost of such designation to be paid for by private donations.

Approved June 29, 2017

SB 329 [SB 329]

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

**Modifies provisions relating to motor vehicle franchise practices**

AN ACT to repeal sections 407.825 and 407.826, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle franchise practices.

SECTION

- A. Enacting clause.
- 407.825. Unlawful practices.
- 407.826. New motor vehicle dealership, restrictions on operation of or ownership by a franchisor.

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

**SECTION A. ENACTING CLAUSE.**— Sections 407.825 and 407.826, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 407.825 and 407.826, to read as follows:

**407.825. UNLAWFUL PRACTICES.**— Notwithstanding the terms of any franchise agreement to the contrary, the performance, whether by act or omission, by a motor vehicle franchisor, whether directly or indirectly through an agent, employee, affiliate, common entity, or representative, or through an entity controlled by a franchisor, of any or all of the following acts enumerated in this section are hereby defined as unlawful practices, the remedies for which are set forth in section 407.835:

(1) To engage in any conduct which is capricious or not in good faith or unconscionable and which causes damage to a motor vehicle franchisee or to the public; provided, that good faith conduct engaged in by motor vehicle franchisors as sellers of new motor vehicles or parts or as holders of security interest therein, in pursuit of rights or remedies accorded to sellers of goods or to holders of security interests pursuant to the provisions of chapter 400, uniform commercial code, shall not constitute unfair practices pursuant to sections 407.810 to 407.835;

(2) To coerce, attempt to coerce, require or attempt to require any motor vehicle franchisee to accept delivery of any new motor vehicle or vehicles, equipment, tools, parts or accessories therefor, or any other commodity or commodities which such motor vehicle franchisee has not ordered after such motor vehicle franchisee has rejected such commodity or commodities, or which is not required by law or the franchise agreement. It shall not be deemed a violation of

this section for a motor vehicle franchisor to require a motor vehicle franchisee to have an inventory of parts, tools, and equipment reasonably necessary to service the motor vehicles sold by a motor vehicle franchisor; or new motor vehicles reasonably necessary to meet the demands of dealers or the public or to display to the public the full line of a motor vehicle franchisor's product line;

(3) To withhold, reduce, delay, or refuse to deliver in reasonable quantities and within a reasonable time after receipt of orders for new motor vehicles, such motor vehicles as are so ordered and as are covered by such franchise and as are specifically publicly advertised by such motor vehicle franchisor to be available for immediate delivery; provided, however, the failure to deliver any motor vehicle shall not be considered a violation of sections 407.810 to 407.835 if such failure is due to an act of God, work stoppage, or delay due to a strike or labor difficulty, shortage of products or materials, freight delays, embargo or other causes of which such motor vehicle franchisor shall have no control;

(4) To coerce, attempt to coerce, require or attempt to require any motor vehicle franchisee to enter into any agreement with such motor vehicle franchisor or its agent, employee, affiliate, or representative, or a person controlled by the franchisor or to do any other act prejudicial to such motor vehicle franchisee;

(5) To terminate, cancel, refuse to continue, or refuse to renew any franchise without good cause, unless such new motor vehicle franchisee, without good cause, substantially defaults in the performance of such franchisee's reasonable, lawful, and material obligations under such franchisee's franchise. In determining whether good cause exists, the administrative hearing commission shall take into consideration all relevant circumstances, including, but not limited to, the following factors:

- (a) The amount of business transacted by the franchisee;
- (b) The investments necessarily made and obligations incurred by the franchisee, including but not limited to goodwill, in the performance of its duties under the franchise agreement, together with the duration and permanency of such investments and obligations;
- (c) The potential for harm and inconvenience to consumers as a result of disruption of the business of the franchisee;
- (d) The franchisee's failure to provide adequate service facilities, equipment, parts, and qualified service personnel;
- (e) The franchisee's failure to perform warranty work on behalf of the manufacturer, subject to reimbursement by the manufacturer;
- (f) The franchisee's failure to substantially comply, in good faith, with requirements of the franchise that are determined to be reasonable, lawful, and material;
- (g) The franchisor's failure to honor its requirements under the franchise;
- (h) The potential harm to the area that the franchisee serves;
- (i) The demographic and geographic characteristics of the area the franchisee serves; and
- (j) The harm to the franchisor;

(6) To prevent by contract or otherwise, any motor vehicle franchisee from changing the capital structure of the franchisee's franchise or the means by or through which the franchisee finances the operation of the franchisee's franchise, provided the motor vehicle franchisee at all times meets any reasonable capital standards agreed to between the motor vehicle franchisee and the motor vehicle franchisor and grants to the motor vehicle franchisor a purchase money security interest in the new motor vehicles, new parts and accessories purchased from the motor vehicle franchisor;

(7) (a) To prevent, by contract or otherwise, any sale or transfer of a franchisee's franchise or interest or management thereof; provided, if the franchise specifically permits the franchisor to approve or disapprove any such proposed sale or transfer, a franchisor shall only be allowed to disapprove a proposed sale or transfer if the interest being sold or transferred when added to any other interest owned by the transferee constitutes fifty percent or more of the ownership interest in the franchise and if the proposed transferee fails to satisfy any standards of the

franchisor which are in fact normally relied upon by the franchisor prior to its entering into a franchise, and which relate to the qualification, capitalization, integrity or character of the proposed transferee and which are reasonable. A franchisee or proposed franchisee may request, at any time, that the franchisor provide a copy of the standards which are normally relied upon by the franchisor to evaluate a proposed sale or transfer and a proposed transferee;

(b) The franchisee and the prospective franchisee shall cooperate with the franchisor in providing information relating to the prospective transferee's qualifications, capitalization, integrity and character;

(c) In the event of a proposed sale or transfer of a franchise, the franchisor shall be permitted to exercise a right of first refusal to acquire the franchisee's assets or ownership if:

a. The franchise agreement permits the franchisor to exercise a right of first refusal to acquire the franchisee's assets or ownership in the event of a proposed sale or transfer;

b. Such sale or transfer is conditioned upon the franchisor or franchisee entering a franchise agreement with the proposed transferee;

c. The exercise of the right of first refusal shall result in the franchisee and the franchisee's owners receiving the same or greater consideration and the same terms and conditions as contracted to receive in connection with the proposed sale or transfer;

d. The sale or transfer does not involve the sale or transfer to an immediate member or members of the family of one or more franchisee owners, defined as a spouse, child, grandchild, spouse of a child or grandchild, brother, sister or parent of the franchisee owner, or to the qualified manager, defined as an individual who has been employed by the franchisee for at least two years and who otherwise qualifies as a franchisee operator, or a partnership or corporation controlled by such persons; and

e. The franchisor agrees to pay the reasonable expenses, including attorney's fees which do not exceed the usual, customary and reasonable fees charged for similar work done for other clients, incurred by the proposed transferee prior to the franchisor's exercise of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the franchise or the franchisee's assets. Notwithstanding the foregoing, no payment of such expenses and attorney's fees shall be required if the franchisee has not submitted or caused to be submitted an accounting of those expenses within fourteen days of the franchisee's receipt of the franchisor's written request for such an accounting. Such accounting may be requested by a franchisor before exercising its right of first refusal;

(d) For determining whether good cause exists for the purposes of this subdivision, the administrative hearing commission shall take into consideration all relevant circumstances, including, but not limited to, the following factors:

a. Whether the franchise agreement specifically permits the franchisor to approve or disapprove any proposed sale or transfer;

b. Whether the interest to be sold or transferred when added to any other interest owned by the proposed transferee constitutes fifty percent or more of the ownership interest in the franchise;

c. Whether the proposed transferee fails to satisfy the standards of the franchisor which are in fact normally relied upon by the franchisor prior to its entering into a franchise, and which related to the qualification, capitalization, integrity or character of the proposed transferee and which are lawful and reasonable;

d. The amount of business transacted by the franchisee;

e. The investments and obligations incurred by the franchisee, including but not limited to goodwill, in the performance of its duties under the franchise agreement, together with the duration and permanency of such investments and obligations;

f. The investments and obligations that the proposed transferee is prepared to make in the business;

g. The potential for harm and inconvenience to consumers as a result of the franchisor's decision;

h. The franchisor's failure to honor its requirements under the franchise;  
i. The potential harm to the area that the franchisee serves;  
j. The ability or willingness of the franchisee to continue in the business if the proposed transfer is not permitted;

k. The demographic and geographic characteristics of the area the franchisee serves; and

l. The harm to the franchisor;

(8) To prevent by contract or otherwise any motor vehicle franchisee from changing the executive management of the motor vehicle franchisee's business, unless the motor vehicle franchisor demonstrates that such change in executive management will be detrimental to the distribution of the motor vehicle franchisor's motor vehicles;

(9) To impose unreasonable standards of performance upon a motor vehicle franchisee or to require, attempt to require, coerce or attempt to coerce a franchisee to adhere to performance standards that are not applied uniformly to other similarly situated franchisees;

(10) To require, attempt to require, coerce, or attempt to coerce a motor vehicle franchisee at the time of entering into a franchise or any other arrangement to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by sections 407.810 to 407.835;

(11) To prohibit directly or indirectly the right of free association among motor vehicle franchisees for any lawful purpose;

(12) To provide any term or condition in any lease or other agreement ancillary or collateral to a franchise, including, but not limited to, any agreement with a common entity or any person required by the franchisor or controlled by or affiliated with the franchisor, which term or condition directly or indirectly violates the provisions of sections 407.810 to 407.835;

(13) Upon any termination, cancellation, refusal to continue, or refusal to renew any franchise or any discontinuation of any line-make or parts or products related to such line-make, failing to pay reasonable compensation to a franchisee as follows:

(a) The franchisee's net acquisition cost for any new, undamaged and unsold vehicle in the franchisee's inventory of either the current model year or one year-prior model year purchased from the franchisor or another franchisee of the same line-make in the ordinary course of business prior to receipt of a notice of termination or nonrenewal, provided the vehicle has less than seven hundred fifty miles registered on the odometer, including mileage incurred in delivery from the franchisor or in transporting the vehicle between dealers for sale;

(b) The franchisee's cost of each new, unused, undamaged and unsold part or accessory if the part or accessory is in the current parts catalog, less applicable allowances. In the case of sheet metal, a comparable substitute for the original package may be used. Reconditioned or core parts shall be valued at their core value, the price listed in the current parts catalog or the amount paid for expedited return of core parts, whichever is higher. If the part or accessory was purchased by the franchisee from an outgoing authorized franchisee, the franchisor shall purchase the part or accessory for the price in the current parts catalog. In the case of parts or accessories which no longer appear in the current parts catalog, the franchisor shall purchase the parts or accessories for the price in the last version of the parts catalog in which the part or accessory appeared;

(c) The fair market value of each undamaged sign owned by the franchisee which bears a trademark or trade name used or claimed by the franchisor if the sign was purchased from, or purchased at the request of, the franchisor. During the first seven years after its purchase, the fair market value of each sign shall be the franchisee's costs of purchasing the sign, less depreciation, using straight-line depreciation and a seven-year life of the asset;

(d) The fair market value of all equipment, tools, data processing programs and equipment and automotive service equipment owned by the franchisee which were recommended in writing and designated as equipment, tools, data processing programs and equipment, and automotive service equipment and purchased from, or purchased at the request of, the franchisor, if the equipment, tools, programs and equipment are in usable and good condition, except for

reasonable wear and tear. During the first seven years after their purchase, the fair market value of each item of equipment, tools, and automotive service equipment shall be the franchisee's costs of purchasing the item, less depreciation, using straight-line depreciation and a seven-year life of the asset. During the first three years after its purchase, the fair market value of each item of required data processing programs and equipment shall be the franchisee's cost of purchasing the item, less depreciation, using straight-line depreciation and a three-year life of the asset;

(e) In addition to the costs referenced in paragraphs (a) to (d) of this subdivision, the franchisor shall pay the franchisee an additional five percent for handling, packing, storing and loading of any property subject to repurchase pursuant to this section, and the franchisor shall pay the shipper for shipping the property subject to repurchase from the location of the franchisee to the location directed by the franchisor;

(f) The amount remaining to be paid on any equipment or service contracts required by or leased from the franchisor or a subsidiary or company affiliated with or controlled or recommended by the franchisor. However, if the franchise agreement is voluntarily terminated by the franchisee, without coercion by the franchisor, then:

a. If the amount remaining to be paid on any equipment or service contract is owed to the franchisor, the franchisor shall cancel the obligation rather than paying the amount to the franchisee; and

b. If the amount remaining to be paid on any equipment or service contract is owed to a subsidiary or a company affiliated with or controlled or recommended by the franchisor, the franchisor may pay such amount to the subsidiary or the company affiliated with or controlled by the franchisor, but if the franchisor does not pay such amount to the subsidiary or the company affiliated with or controlled by the franchisor, such amount may be paid to the franchisee by the subsidiary or company affiliated with or controlled by the franchisor;

(g) If the dealer leases the dealership facilities, then the franchisor shall be liable for twelve months' payment of the gross rent or the remainder of the term of the lease, whichever is less. If the dealership facilities are not leased, then the franchisor shall be liable for the equivalent of twelve months' payment of gross rent. This paragraph shall not apply when the termination, cancellation, or nonrenewed line was under good cause related to a conviction and imprisonment for a felony involving moral turpitude that is substantially related to the qualifications, function, or duties of a franchisee as well as fraud and voluntary terminations of a franchise. Gross rent is the monthly rent plus the monthly cost of insurance and taxes. Such reasonable rent shall be paid only to the extent that the dealership premises are recognized in the franchise and only if they are used solely for performance in accordance with the franchise and not substantially in excess of those facilities recommended by the manufacturer or distributor. If the facility is used for the operations of more than one franchise, the gross rent compensation shall be adjusted based on the planning volume and facility requirements of the manufacturers, distributors, or branch or division thereof;

(h) The franchisor shall pay to the franchisee the amount remaining to be paid on any leases of computer hardware or software that is used to manage and report data to the manufacturer or distributor for financial reporting requirements and the amount remaining to be paid on any manufacturer or distributor required equipment leases, service contracts, and sign leases. The franchisor's obligation shall not exceed one year on any such lease. However, if the franchise agreement is voluntarily terminated by the franchisee, without coercion by the franchisor, then:

a. If the amount remaining to be paid is owed to the franchisor, the franchisor shall cancel the obligation rather than paying the amount to the franchisee; and

b. If the amount remaining to be paid is owed to a subsidiary or a company affiliated with or controlled or recommended by the franchisor, the franchisor may pay such amount to the subsidiary or the company affiliated with or controlled by the franchisor, subject to the limit of the franchisor's one-year obligation, but if the franchisor does not pay such amount to the subsidiary or the company affiliated with or controlled by the franchisor, such amount may be

paid to the franchisee by the subsidiary or company affiliated with or controlled by the franchisor, subject to the limit of the franchisor's one-year obligation;

(i) In addition to the other payments set forth in this section, if a termination, cancellation, or nonrenewal is premised upon the franchisor discontinuing the sale in this state of a line-make that was the subject of the franchise, then the franchisor shall also be liable to the franchisee for an amount at least equivalent to the fair market value of the franchisee's goodwill for the discontinued line-makes of the motor vehicle franchise on the date immediately preceding the date the franchisor announces the action which results in termination, cancellation, or nonrenewal, whichever amount is higher. At the franchisee's option, the franchisor may avoid paying fair market value of the motor vehicle franchise to the franchisee under this paragraph if the franchisor, or another motor vehicle franchisor under an agreement with the franchisor, offers the franchisee a replacement motor vehicle franchise with terms substantially similar to that offered to other same line-make dealers;

(j) The franchisor shall pay the franchisee all amounts incurred by the franchisee to upgrade its facilities that were required by the franchisor within twelve months prior to receipt of a notice of termination or nonrenewal; however, a franchisee shall not receive any benefits under this subdivision if it was terminated for the grounds set forth in subdivision (1) of subsection 4 of section 407.822. However, if the franchise agreement is voluntarily terminated by the franchisee, without coercion by the franchisor, and for a reason other than the death or incapacitation of the dealer principal, then the franchisor shall have no obligation under this paragraph; and

(k) The franchisor shall pay the franchisee the amounts specified in this subdivision along with any other amounts that may be due to the franchisee under the franchise agreement within sixty days after the tender of the property subject to the franchisee providing evidence of good and clear title upon return of the property to the franchisor. The franchisor shall remove the property within sixty days after the tender of the property from the franchisee's property. Unless previous arrangements have been made and agreed upon, the franchisee is under no obligation to provide insurance for the property left after sixty days;

(l) This subdivision shall not apply to a termination, cancellation or nonrenewal due to a sale of the assets or stock of the motor vehicle dealership;

(14) To prevent or refuse to honor the succession to a franchise or franchises by any legal heir or devisee under the will of a franchisee, under any written instrument filed with the franchisor designating any person as the person's successor franchisee, or pursuant to the laws of descent and distribution of this state; provided:

(a) Any designated family member of a deceased or incapacitated franchisee shall become the succeeding franchisee of such deceased or incapacitated franchisee if such designated family member gives the franchisor written notice of such family member's intention to succeed to the franchise or franchises within one hundred twenty days after the death or incapacity of the franchisee, and agrees to be bound by all of the lawful terms and conditions of the current franchise agreement, and the designated family member meets the current lawful and reasonable criteria generally applied by the franchisor in qualifying franchisees. In order for the franchisor to claim that any such reasonable criteria are generally applied by the franchisor in qualifying franchisees, it shall have previously provided a copy to the proposed successor franchisee within ten days after receiving the proposed successor franchisee's notice. A franchisee may request, at any time, that the franchisor provide a copy of such criteria generally applied by the franchisor in qualifying franchisees;

(b) The franchisor may request from a designated family member such personal and financial data as is reasonably necessary to determine whether the existing franchise agreement should be honored. The designated family member shall supply the personal and financial data promptly upon the request;

(c) If the designated family member does not meet the reasonable and lawful criteria generally applied by the franchisor in qualifying franchisees, the discontinuance of the current franchise agreement shall take effect not less than ninety days after the date the franchisor serves

the required notice on the designated family member pursuant to subsection 4 of section 407.822;

(d) The provisions of this subdivision shall not preclude a franchisee from designating any person as the person's successor by written instrument filed with the franchisor, and if such an instrument is filed, it alone shall determine the succession rights to the management and operation of the franchise; and

(e) For determining whether good cause exists, the administrative hearing commission shall take into consideration all circumstances, including, but not limited to, the following factors:

a. Whether the franchise agreement specifically permits the franchisor to approve or disapprove any successor;

b. Whether the proposed successor substantially fails to satisfy the material standards of the franchisor which are in fact normally relied upon by the franchisor prior to the successor entering into a franchise, and which relate to the proposed management or ownership of the franchise operation or to the qualification, capitalization, integrity or character of the proposed successor and which are lawful and reasonable;

c. The amount of the business transacted by the franchisee;

d. The investments in and the obligations incurred by the franchisee, including but not limited to goodwill in the performance of its duties under the franchise agreement, together with the duration and permanency of such investments and obligations;

e. The investments and obligations that the proposed successor franchisee is prepared to make in the business;

f. The potential for harm and inconvenience to consumers as a result of the franchisor's decision;

g. The franchisor's failure to honor its requirements under the franchise;

h. The potential harm and injury to the public welfare in the area that the franchisee serves;

i. The ability or willingness of the franchisee to continue in the business if the proposed transfer is not permitted;

j. The demographic and geographic characteristics of the area the franchisee serves; and

k. The harm to the franchisor;

(15) To coerce, attempt to coerce, require, or attempt to require a franchisee under any condition affecting or related to a franchise agreement, to waive, limit or disclaim a right that the franchisee may have pursuant to the provisions of sections 407.810 to 407.835. Any contracts or agreements which contain such provisions shall be deemed against the public policy of the state of Missouri and are void and unenforceable. Nothing in this section shall prohibit voluntary settlement agreements that specifically identify the provisions of sections 407.810 to 407.835 that the franchisee is waiving, limiting, or disclaiming;

(16) To initiate any act enumerated in this section on grounds that it has advised a franchisee of its intention to discontinue representation at the time of a franchisee change or require any franchisee to enter into a site control agreement as a condition to initiating any act enumerated in this section. Such condition shall not be construed to nullify an existing site control agreement for a franchisee's property;

(17) To require, attempt to require, coerce, or attempt to coerce any franchisee in this state to refrain from, or to terminate, cancel, or refuse to continue any franchise based upon participation by the franchisee in the management of, investment in or the acquisition of a franchise for the sale of any other line of new vehicle or related products in the same or separate facilities as those of the franchisor. This subdivision does not apply unless the franchisee maintains a reasonable line of credit for each make or line of new vehicle, the franchisee remains in compliance with the franchise and any reasonable facilities requirements of the franchisor, and no change is made in the principal management of the franchisee. The reasonable facilities requirement shall not include any requirement that a franchisee establish or maintain exclusive facilities, personnel, or display space, when such requirements would not otherwise be justified by reasonable business considerations. Before the addition of a line-make to the



dealership facilities the franchisee shall first request consent of the franchisor, if required by the franchise agreement. Any decision of the franchisor with regard to dualing of two or more franchises shall be granted or denied within sixty days of a written request from the franchisee. The franchisor's failure to respond timely to a dualing request shall be deemed to be approval of the franchisee's request;

(18) To fail or refuse to offer to sell to all franchisees for a line-make reasonable quantities of every motor vehicle sold or offered for sale to any franchisee of that line-make; however, the failure to deliver any such motor vehicle shall not be considered a violation of this section if the failure is due to a cause over which the franchisor has no control. A franchisor may impose reasonable requirements on the franchisee including, but not limited to, the purchase of reasonable quantities of advertising materials, the purchase of special tools required to properly service a motor vehicle, the undertaking of sales person or service person training related to the motor vehicle, the meeting of reasonable display and facility requirements as a condition of receiving a motor vehicle, or other reasonable requirements; provided, that if a franchisor requires a franchisee to purchase essential service tools with a purchase price in the aggregate of more than seventy-five hundred dollars in order to receive a particular model of new motor vehicle, the franchisor shall upon written request provide such franchisee with a good faith estimate in writing of the number of vehicles of that particular model that the franchisee will be allocated during that model year in which the tools are required to be purchased;

(19) To directly or indirectly condition the awarding of a franchise to a prospective franchisee, the addition of a line-make or franchise to an existing franchisee, the renewal of a franchise of an existing franchisee, the approval of the relocation of an existing franchisee's facility, or the approval of the sale or transfer of the ownership of a franchise on the willingness of a franchisee, proposed franchisee, or owner of an interest in the dealership facility to enter into a site control agreement or exclusive use agreement. For purposes of this subdivision, the terms "site control agreement" and "exclusive use agreement" include any agreement that has the effect of either requiring that the franchisee establish or maintain exclusive dealership facilities or restricting the ability of the franchisee, or the ability of the franchisee's lessor in the event the dealership facility is being leased, to transfer, sell, lease, or change the use of the dealership premises, whether by sublease, lease, collateral pledge of lease, right of first refusal to purchase or lease, option to purchase, option to lease, or other similar agreement, regardless of the parties to such agreement. Any provision contained in any agreement entered into on or after August 28, 2010, that is inconsistent with the provisions of this subdivision shall be voidable at the election of the affected franchisee, prospective franchisee, or owner of an interest in the dealership facility, provided this subdivision shall not apply to a voluntary agreement where separate, adequate, and reasonable consideration have been offered and accepted;

(20) Except for the grounds listed in subdivision (1) of subsection 4 of section 407.822, prior to the issuance of any notice of intent to terminate a franchise agreement under the MVFP act for unsatisfactory sales or service performance, the franchisor shall provide the franchisee with no less than one hundred twenty days written notice of the specific asserted grounds for termination. Thereafter, the franchisee shall have one hundred twenty days to cure the asserted grounds for termination, provided the grounds are both reasonable and of material significance to the franchise relationship. If the franchisee fails to cure the asserted grounds for termination by the end of the cure period, then the franchisor may give the sixty-day notice required by subsection 4 of section 407.822 if it intends to terminate the franchise;

(21) To require, attempt to require, coerce, or attempt to coerce a franchisee, by franchise agreement or otherwise, or as a condition to the renewal or continuation of a franchise agreement, to:

(a) Exclude from the use of the franchisee's facilities a line-make for which the franchisee has a franchise agreement to utilize the facilities; or

(b) Materially change the franchisee's facilities or method of conducting business if the change would impose substantial or unreasonable financial hardship on the business of the franchisee;

(22) To fail to perform or cause to be performed any written warranties made with respect to any motor vehicle or parts thereof;

(23) To withhold, reduce, or delay unreasonably or without just cause services contracted for by franchisees;

(24) To coerce, attempt to coerce, require, or attempt to require any franchisee to provide installment financing with a specified financial institution;

(25) To require, attempt to require, coerce, or attempt to coerce any franchisee to close or change the location of the franchisee, or to make any substantial alterations to the franchise premises or facilities when doing so would be unreasonable under the current market and economic conditions. Prior to suggesting the need for any such action, the franchisor shall provide the franchisee with a written good faith estimate of the minimum number of the models of new motor vehicles that the franchisor will supply to the franchisee during a reasonable time period, not less than three years, so the franchisee may determine if it is a sufficient supply of motor vehicles so as to justify such changes, in light of the current market and reasonably foreseeable projected and economic conditions. A franchisor or its common entity or an entity controlled by or affiliated with the franchisor may not take or threaten to take any action that is unfair or adverse to a franchisee who does not enter into an agreement with the franchisor under this subdivision. This subdivision does not affect any contract between a franchisor and any of its franchisees regarding relocation, expansion, improvement, remodeling, renovation, or alteration which exists on August 28, 2010;

(26) To authorize or permit a person to perform warranty service repairs on motor vehicles unless the person is a franchisee with whom the manufacturer has entered into a franchise agreement for the sale and service of the manufacturer's motor vehicles unless:

(a) For emergency repairs when a franchisee is not available [or];

(b) For repairs pursuant to a fleet contract as long as all parts and labor to perform the repairs are less than one thousand five hundred dollars at retail per repaired vehicle; or

(c) For repairs performed by a facility under subsection 2 of section 407.826;

(27) To discriminate between or refuse to offer to its same line-make franchisees all models manufactured for that line-make based upon unreasonable sales and service standards;

(28) To fail to make practically available any incentive, rebate, bonus, or other similar benefit to a franchisee that is offered to another franchisee of the same line-make within this state;

(29) To condition a franchise agreement on improvements to a facility unless reasonably required by the technology of a motor vehicle being sold at the facility;

(30) To condition the sale, transfer, relocation, or renewal of a franchise agreement, or to condition sales, services, parts, or finance incentives, upon site control or an agreement to renovate or make improvements to a facility; except that voluntary acceptance of such conditions by the franchisee shall not constitute a violation;

(31) Failing to offer to all of its franchisees of the same line-make any consumer rebates, dealer incentives, price or interest rate reduction, or finance terms that the franchisor offers or advertises, or allows its franchisees of the same line-make to offer or advertise;

(32) Offering rebates, cash incentives, or other promotional items for the sale of a vehicle by its franchisees unless: the same rebate, cash incentive, or promotion is offered to all of its franchisees of the same line-make; and any rebate, cash incentive, or promotion that is based on the sale of an individual vehicle is not increased for meeting a performance standard;

(33) Unreasonably discriminating among its franchisees in any program that provides assistance to its franchisees, including internet listings, sales leads, warranty policy adjustments, marketing programs, and dealer recognition programs;

(34) To fail to include in any franchise with a franchisee the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to

such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect;

(35) To withhold, reduce, or delay unreasonably or without just cause delivery of motor vehicle parts and accessories, commodities, or moneys due franchisees;

(36) To use or consider the performance of a franchisee relating to the sale of the franchisor's vehicles or the franchisee's ability to satisfy any minimum sales or market share quota or responsibility relating to the sale of the new vehicles in determining:

(a) The franchisee's eligibility to purchase program, certified, or other used motor vehicles from the franchisor;

(b) The volume, type, or model of program, certified, or other used motor vehicles that a franchisee is eligible to purchase from the franchisor;

(c) The price of any program, certified, or other used motor vehicle that the franchisee purchased from the franchisor; or

(d) The availability or amount of any discount, credit, rebate, or sales incentive that the franchisee is eligible to receive from the franchisor, for the purpose of any program, certified, or other used motor vehicle offered for sale by the franchisor;

(37) To refuse to allocate, sell, or deliver motor vehicles; to charge back or withhold payments or other things of value for which the franchisee is otherwise eligible under a sales promotion, program, or contest; to prevent a franchisee from participating in any promotion, program, or contest; or to take or threaten to take any adverse action against a franchisee, including charge-backs, reducing vehicle allocations, or terminating or threatening to terminate a franchise because the franchisee sold or leased a motor vehicle to a customer who exported the vehicle to a foreign country or who resold the vehicle, unless the franchisor proves that the franchisee knew or reasonably should have known that the customer intended to export or resell the motor vehicle. There is a rebuttable presumption that the franchisee neither knew nor reasonably should have known of its customer's intent to export or resell the vehicle if the vehicle is titled or registered in any state in this country. A franchisor may not take any action against a franchisee, including reducing its allocations or supply of motor vehicles to the franchisee, or charging back a franchisee for an incentive payment previously paid, unless the franchisor first meets in person, by telephone, or video conference with an officer or other designated employee of the franchisee. At such meeting, the franchisor shall provide a detailed explanation, with supporting documentation, as to the basis for its claim that the franchisee knew or reasonably should have known of the customer's intent to export or resell the motor vehicle. Thereafter, the franchisee shall have a reasonable period, commensurate with the number of motor vehicles at issue, but not less than fifteen days, to respond to the franchisor's claims. If, following the franchisee's response and completion of all internal dispute resolution processes provided through the franchisor, the dispute remains unresolved, the franchisee may file a complaint with the administrative hearing commission within thirty days after receipt of a written notice from the franchisor that it still intends to take adverse action against the franchisee with respect to the motor vehicles still at issue. If a complaint is timely filed, the administrative hearing commission shall notify the franchisor of the filing of the complaint, and the franchisor shall not take any action adverse to the franchisee until the administrative hearing commission renders a final determination, which is not subject to further appeal, that the franchisor's proposed action is in compliance with the provisions of this subdivision. In any hearing under this subdivision, the franchisor has the burden of proof on all issues raised by this subdivision;

(38) To require a franchisee to provide its customer lists or service files to the franchisor, unless necessary for the sale and delivery of a new motor vehicle to a consumer, to validate and pay consumer or dealer incentives, for reasonable marketing purposes or for the submission to the franchisor for any services supplied by the franchisee for any claim for warranty parts or repairs. Nothing in this section shall limit the franchisor's ability to require or use customer information to satisfy any safety or recall notice obligation;

(39) To mandate the use by the franchisee, or condition access to any services offered by the franchisor on the franchisee's use, or condition the acceptance of an order of any product or service offered by the franchisor on the franchisee's use, or condition the acceptance of any claim for payment from the franchisee on the franchisee's use, or condition the franchisee's participation in any program offered by the franchisor, a common entity or an entity controlled by the franchisor on the franchisee's use of any form, equipment, part, tool, furniture, fixture, data processing program or equipment, automotive service equipment, or sign from the franchisor, a vendor recommended by the franchisor, a common entity or an entity controlled by the franchisor if the franchisee is able to obtain the identical or reasonably equivalent product from another vendor;

(40) Establishing any performance standard or program for measuring franchisee performance that may have a material impact on a franchisee that is not fair, reasonable, and equitable, or applying any such standard or program to a franchisee in a manner that is not fair, reasonable, and equitable. Within ten days of a request of a franchisee, a franchisor shall disclose in writing to the franchisee a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that franchisee unless the information is available to the franchisee on the franchisor's website;

(41) Establishing or implementing a plan or system for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its franchisees that is not fair, reasonable, and equitable or modifying an existing plan or system so as to cause the plan or system to be unreasonable, unfair, or inequitable. Within ten days of any request of a franchisee, the franchisor shall disclose in writing to the franchisee the method and mode of distribution of that line-make among the franchisor's franchisees of the same line-make within the same metro area for franchisees located in a metropolitan area and within the county and contiguous counties of any franchisee not located in a metropolitan area; and

(42) To violate any other provision of the MVFP act that adversely impacts a franchisee.

**407.826. NEW MOTOR VEHICLE DEALERSHIP, RESTRICTIONS ON OPERATION OF OR OWNERSHIP BY A FRANCHISOR.** — 1. (1) A franchisor shall be prohibited from owning or operating a new motor vehicle dealership in this state. It is not a violation of this section for a franchisor to own or operate a new motor vehicle dealership:

(a) For a temporary period of not more than twenty-four months if the dealership is for sale at a reasonable price and on reasonable terms and conditions to an independent qualified buyer. On showing by a franchisor of good cause, the time limit set forth above may be extended for an additional period of up to twelve months; or

(b) In a bona fide relationship with an independent person (i) who is required to make a significant investment in the new motor vehicle dealership subject to loss and (ii) operates the dealership and can reasonably expect to acquire full ownership of the dealership within a reasonable time and under reasonable terms and conditions.

(2) Nothing in this section shall be deemed to prohibit a franchisor from owning a minority interest in an entity that owns motor vehicle dealerships of the same line-make manufactured and franchised by the factory, provided that all of the following conditions are met at the time of acquisition and continue to be met during the time the entity maintains ownership:

(a) The interest owned by the factory in said entity shall not exceed forty-five percent of the total ownership;

(b) Any dealership in which the entity owns an interest shall be no less than nine miles of any unaffiliated new motor vehicle dealership trading in the same line-make of vehicle;

(c) All of the licensed dealerships for the sale of such factory's new motor vehicle in the state trade exclusively in the factory's line-make;

(d) During any period in which the entity has such ownership interest, the factory shall have no more than four franchise agreements governing such line-make with dealers licensed to do business in this state;

(e) All the factory's franchise agreements confer rights on the franchisee of the line-make to develop and operate, within a defined geographic territory or area, as many dealership facilities as the franchisee and factory shall agree are appropriate;

(f) At the time the entity first acquires an ownership interest, not fewer than seventy-five percent of the franchisees of the line-make within this state own and operate two or more dealership facilities in the geographic territory or area covered by the franchise agreement with the factory;

(g) As of January 1, 2001, there were no more than ten dealerships of such line-make licensed as a new motor vehicle dealer in this state; and

(h) Prior to August 28, 2001, the factory has been continuously engaged, at least since July 1, 1998, in the retail sale of motor vehicles of its own line-make through direct or indirect ownership of dealerships in at least five states.

2. A franchisor shall not sell new motor vehicles directly to any retail consumer except through a franchisee for the line-make that includes the new motor vehicle unless such consumer is an employee of the franchisor, or is a not-for-profit organization or an agency of the federal, state or local governments. This subsection shall not preclude a franchisor from providing information to consumers for the purpose of marketing or facilitating the sale of a new motor vehicle or from establishing programs to sell or offer to sell new motor vehicles through participating franchisees. **This subsection shall not apply to a franchisor who does not manufacture, distribute, or sell motor vehicles as defined in section 301.010, but who does manufacture engines for any such motor vehicle with a gross vehicle rating of more than sixteen thousand pounds that is registered for operation on the public highways of this state under chapter 301, provided the franchisor:**

**(1) Is not otherwise a manufacturer of motor vehicles, as defined in section 407.815, and is not owned or controlled by such a manufacturer;**

**(2) Owned, operated, or controlled a facility in this state as of January 1, 2016, to sell or provide warranty service to engines that it manufactures;**

**(3) Does not own, operate, or control more than seven facilities in this state which sell or provide warranty service for engines it manufactures; and**

**(4) Provides its franchisees or dealers with access to support for completing repairs substantially equal to the support the manufacturer provides to facilities owned, operated, or controlled by it, including but not limited to, parts and assemblies, training and technical bulletins, and other information concerning installation and repairs for its engines.**

3. The remedies and relief available pursuant to section 407.835 shall apply to this section.

Approved July 11, 2017

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SB 376 [SB 376]

**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 Missouri historical dog and wonder dog**

AN ACT to amend chapter 10, RSMo, by adding thereto two new sections relating to the designation of state dogs.

SECTION

A. Enacting clause.

10.112. Old Drum designated as the historical dog of Missouri.

10.113. Jim the Wonder Dog designated as Missouri's wonder dog.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 10, RSMo, is amended by adding thereto two new sections, to be known as sections 10.112 and 10.113, to read as follows:

**10.112. OLD DRUM DESIGNATED AS THE HISTORICAL DOG OF MISSOURI.** — **The dog known as "Old Drum", whose death became the subject of an 1870 Missouri Supreme Court case and the delivery of a famous speech as the closing argument to the case known as the "Eulogy to Old Drum", is designated as the historical dog of the state of Missouri.**

**10.113. JIM THE WONDER DOG DESIGNATED AS MISSOURI'S WONDER DOG.** — **The dog known as "Jim the Wonder Dog" is designated as Missouri's Wonder Dog.**

Approved June 23, 2017

SB 395 [SB 395]

**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 practice of public accounting**

AN ACT to repeal sections 326.256, 326.259, 326.265, 326.280, 326.283, 326.286, 326.289, 326.292, 326.307, 326.310, 326.313, 326.316, and 326.325, RSMo, and to enact in lieu thereof twelve new sections relating to the regulation of public accountants, with an existing penalty provision.

**SECTION**

- A. Enacting clause.
- 326.256. Definitions.
- 326.259. Missouri state board of accountancy established, appointment, members, qualifications, terms, removal.
- 326.265. Officers elected by board, employment of legal counsel and personnel — continuing education committee, duties.
- 326.280. License issued, when — reexamination and fees — temporary license issued, when.
- 326.283. Reciprocity for out-of-state accountants — licensee of this state committing act in another state, effect.
- 326.286. Issuance and renewal of licenses, when, term — license holder by foreign authority, state license issued, when.
- 326.289. Issuance and renewal of permits, procedure.
- 326.292. Issuance of reports on financial statements, license required — use of CPA or CA title, when — violations, penalty.
- 326.307. Use of certain titles, prima facie evidence that persons hold themselves out as accountants.
- 326.310. Refusal to issue license or permit, grounds for refusal — complaint filed with administrative hearing commission, when, procedure — disciplinary actions authorized by board.
- 326.316. Issuance of new license after revocation, when.
- 326.325. Work product, property of licensee — consent of client necessary for disclosure.
- 326.313. Revocation of permit, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 326.256, 326.259, 326.265, 326.280, 326.283, 326.286, 326.289, 326.292, 326.307, 326.310, 326.313, 326.316, and 326.325, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 326.256, 326.259, 326.265, 326.280, 326.283, 326.286, 326.289, 326.292, 326.307, 326.310, 326.316, and 326.325, to read as follows:

**326.256. DEFINITIONS.** — 1. As used in this chapter, the following terms mean:

- (1) "AICPA", the American Institute of Certified Public Accountants;
- (2) "Attest" or "attest services", providing the following [financial statement] services:
  - (a) Any audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS);
  - (b) Any examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE); [or]
  - (c) Any engagement to be performed in accordance with the auditing standards and rules of the Public Company Accounting Oversight Board (PCAOB);
  - (d) Any review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS); or**
  - (e) Any examination, review, or agreed upon procedures engagement to be performed in accordance with the SSAE, other than an examination described in paragraph (b) of this subdivision;**
- (3) "Board", the Missouri state board of accountancy established under section 326.259 or its predecessor pursuant to prior law;
- (4) "Certificate", a certificate issued under section 326.060 prior to August 28, 2001;
- (5) "Certified public accountant" or "CPA", the holder of a certificate or license as defined in this section;
- (6) "Certified public [accountant] **accounting** firm", "CPA firm" or "firm", a sole proprietorship, a corporation, a partnership or any other form of organization issued a permit under section 326.289;
- (7) "Client", a person or entity that agrees with a licensee or licensee's employer to receive any professional service;
- (8) "Compilation", providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) that is presented in the form of financial statements information that is the representation of management (owners) without undertaking to express any assurance on the statements;
- (9) ["Home office", the location specified by the client as the address to which attest, compilation, or review services are directed;
- (10)] "License", a license issued under section 326.280, or privilege to practice under section 326.283; or, in each case, an individual license or permit issued pursuant to corresponding provisions of prior law;
- [11] **(10)** "Licensee", the holder of a license as defined in this section;
- [12] **(11)** "Manager", a manager of a limited liability company;
- [13] **(12)** "Member", a member of a limited liability company;
- [14] **(13)** "NASBA", the National Association of State Boards of Accountancy;
- (14) "PCAOB", the Public Company Accounting Oversight Board;**
- (15) "Peer review", a study, appraisal or review of one or more aspects of the professional work of a licensee or certified public [accountant] **accounting** firm that performs attest[, review] or compilation services, by licensees who are not affiliated either personally or through their certified public [accountant] **accounting** firm being reviewed pursuant to the Standards for Performing and Reporting on Peer Reviews promulgated by the AICPA or such other standard adopted by regulation of the board which meets or exceeds the AICPA standards;
- (16) "Permit", a permit to practice as a certified public [accountant] **accounting** firm issued under section 326.289 or corresponding provisions of prior law or pursuant to corresponding provisions of the laws of other states;
- (17) **"Principal place of business", the office location designated by the licensee for purposes of substantial equivalency and reciprocity;**
- (18)** "Professional", arising out of or related to the specialized knowledge or skills associated with certified public accountants;
- [18] **(19)** "Public accounting":

(a) Performing or offering to perform for an enterprise, client or potential client one or more services involving the use of accounting or auditing skills, or one or more management advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters by a person, firm, limited liability company or professional corporation using the title "C.P.A." or "P.A." in signs, advertising, directory listing, business cards, letterheads or other public representations;

(b) Signing or affixing a name, with any wording indicating the person or entity has expert knowledge in accounting or auditing to any opinion or certificate attesting to the reliability of any representation or estimate in regard to any person or organization embracing financial information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, rules, grants, loans and appropriations; or

(c) Offering to the public or to prospective clients to perform, or actually performing on behalf of clients, professional services that involve or require an audit or examination of financial records leading to the expression of a written attestation or opinion concerning these records;

[(19)] (20) "Report", when used with reference to [financial statements] **any attest or compilation service**, means an opinion, report or other form of language that states or implies assurance as to the reliability of [any] **the attested information or compiled** financial statements, and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term report includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the **attested information or compiled** financial statements referred to or special competence on the part of the person or firm issuing such language, [or both,] and includes any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence[, or both];

[(20)] "Review", providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) that is performing inquiry and analytical procedures that provide the accountant with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the statements for them to be in conformity with generally accepted accounting principles or, if applicable, with another comprehensive basis of accounting;]

(21) "State", any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, **the Commonwealth of the Northern Mariana Islands**, and Guam; except that "this state" means the state of Missouri;

(22) "Substantial equivalency" or "substantially equivalent", a determination by the board of accountancy or its designee that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination and experience requirements contained in this chapter or that an individual certified public accountant's education, examination and experience qualifications are comparable to or exceed the education, examination and experience requirements contained in this chapter;

(23) "Transmittal", any transmission of information in any form, including but not limited to any and all documents, records, minutes, computer files, disks or information.

2. The statements on standards specified in this section shall be adopted by reference by the board pursuant to rulemaking and shall be those developed for general application by the AICPA or other recognized national accountancy organization as prescribed by board rule.

**326.259. MISSOURI STATE BOARD OF ACCOUNTANCY ESTABLISHED, APPOINTMENT, MEMBERS, QUALIFICATIONS, TERMS, REMOVAL.** — 1. The "Missouri State Board of Accountancy" is hereby established and shall consist of seven members, one of whom shall be



a voting public member, and shall have the functions, powers and duties prescribed in this chapter.

2. Each member of the board, except the public member, shall be a licensee pursuant to the laws of this state, and shall at the time of his or her appointment be a citizen of the United States, a resident of this state for at least one year and have practiced continuously as a licensee for a period of at least five years immediately preceding his or her appointment. At the time of his or her appointment, the public member shall be a citizen of the United States, a resident of this state for a period of one year, a registered voter, a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the immediate family member of such a person, and a person who does not have and never has had a material financial interest in either providing professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter.

3. Members of the Missouri state board of accountancy [appointed pursuant to section 326.160 prior to August 28, 2001, shall serve the remainder of their terms. Thereafter, the members of the board], including public members, shall be chosen by the governor with the advice and consent of the senate from lists submitted by the director of the division of professional registration. The chair of the largest membership state organization of certified public accountants which is dedicated to maintaining the high professional and ethical standards of accountants as well as protection of the public may submit a list of five licensees to the director of the division of professional registration for consideration as a board member, other than the public member. To be considered by the director of the division of professional registration, the list shall be submitted at least ninety days prior to the expiration of the term of the board member or as soon as feasible after a vacancy on the board occurs. The duties of the public member shall not include the determination of the technical requirements for licensure, whether any person meets the technical requirements, or the technical competence or technical judgment of a certified public accountant or applicant for licensure.

4. The term of office of each board member appointed shall be five years. Vacancies shall be filled by the governor for the remainder of the unexpired term. No person shall serve more than two consecutive terms or eleven years, whichever is less; except that a member may hold office until his or her successor is appointed and qualified. Any member who has served two complete consecutive terms shall be ineligible to be reappointed until one year has lapsed. No member whose term has been terminated for any reason, other than the term's expiration, shall be eligible for reappointment until the lapse of one year. An appointment to fill an unexpired term shall not be considered a complete term.

5. The governor may remove any member of the board for misconduct, incompetency or neglect of official duties after giving the member written notice of the charges and an opportunity to be heard.

**326.265. OFFICERS ELECTED BY BOARD, EMPLOYMENT OF LEGAL COUNSEL AND PERSONNEL — CONTINUING EDUCATION COMMITTEE, DUTIES. —**

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

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

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

- (1) Evaluate continuing education programs to determine if they meet continuing education regulations adopted by the board;
- (2) Consider applications for exceptions to continuing education regulations adopted pursuant to the provisions of section 326.271; and
- (3) Consider other matters regarding continuing education as may be assigned by the board.

**326.280. LICENSE ISSUED, WHEN — REEXAMINATION AND FEES — TEMPORARY LICENSE ISSUED, WHEN.** — 1. A license shall be granted by the board to any person who meets the requirements of this chapter and who:

- (1) Is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state;
- (2) Has attained the age of [twenty-one] **eighteen** years;
- (3) Is of good moral character;
- (4) Either:
  - (a) Applied for the initial examination prior to June 30, 1999, and holds a baccalaureate degree conferred by an accredited college or university recognized by the board, with a concentration in accounting or the substantial equivalent of a concentration in accounting as determined by the board; or
  - (b) Applied for the initial examination on or after June 30, 1999, and has at least one hundred fifty semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university recognized by the board, with the total educational program including an accounting concentration or equivalent as determined by board rule to be appropriate;
- (5) Has passed an examination in accounting, auditing and such other related subjects as the board shall determine is appropriate; and
- (6) Has had one year of experience. Experience shall be verified by a licensee and shall include any type of service or advice involving the use of accounting, attest, [review,] compilation, management advisory, financial advisory, tax or consulting skills including governmental accounting, budgeting or auditing. The board shall promulgate rules and regulations concerning the verifying licensee's review of the applicant's experience.

2. The board may prescribe by rule the terms and conditions for reexaminations and fees to be paid for reexaminations.

3. A person who, on August 28, 2001, holds an individual permit issued pursuant to the laws of this state shall not be required to obtain additional licenses pursuant to sections 326.280 to 326.286, and the licenses issued shall be considered licenses issued pursuant to sections 326.280 to 326.286. However, such persons shall be subject to the provisions of section 326.286 for renewal of licenses.

4. Upon application, the board may issue a temporary license to an applicant pursuant to this subsection for a person who has made a prima facie showing that the applicant meets all of the requirements for a license and possesses the experience required. The temporary license shall be effective only until the board has had the opportunity to investigate the applicant's qualifications for licensure pursuant to subsection 1 of this section and notify the applicant that the applicant's application for a license has been granted or rejected. In no event shall a temporary license be in effect for more than twelve months after the date of issuance nor shall a temporary license be reissued to the same applicant. No fee shall be charged for a temporary license. The holder of a temporary license which has not expired, been suspended or revoked shall be deemed to be the holder of a license issued pursuant to this section until the temporary license expires, is terminated, suspended or revoked.

5. An applicant for an examination who meets the educational requirements of subdivision (4) of subsection 1 of this section or who reasonably expects to meet those requirements within sixty days after the examination shall be eligible for examination if the applicant also meets the requirements of subdivisions (1), (2) and (3) of subsection 1 of this section. For an applicant

admitted to examination on the reasonable expectation that the applicant will meet the educational requirements within sixty days, no license shall be issued nor credit for the examination or any part thereof given unless the educational requirement is in fact met within the sixty-day period.

**326.283. RECIPROCITY FOR OUT-OF-STATE ACCOUNTANTS — LICENSEE OF THIS STATE COMMITTING ACT IN ANOTHER STATE, EFFECT.** — 1. (1) An individual whose principal place of business, domicile, or residency is not in this state and who holds a valid and unrestricted license to practice public accounting from any state which the board or its designee has determined by rule to be in substantial equivalence with the licensure requirements of this chapter, or if the individual's qualifications are substantially equivalent to the licensure requirements of this chapter, shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all the privileges of licensees of this state without the need to obtain a license or to otherwise notify or register with the board or pay any fee. Provided, however, the board may by rule require individuals with a valid but restricted license to obtain a license.

(2) An individual who qualifies for the privilege to practice under this section may offer or render professional services in this state, whether in person, by mail, telephone, or electronic means, and no notice or other submission shall be required of any such individual.

(3) An individual licensee of another state exercising the privilege afforded under this section and the firm which employs such licensee hereby simultaneously consent, as a condition of the grant of this privilege:

- (a) To the personal and subject matter jurisdiction and disciplinary authority of the board;
- (b) To comply with this chapter and the board's rules;
- (c) That in the event the license from any state is no longer valid or unrestricted, the individual shall cease offering or rendering professional services in this state individually and on behalf of a firm; and
- (d) To the appointment of the state board that issued the individual's license as his or her agent upon whom process may be served in any action or proceeding by this board against the individual.

(4) An individual who has been granted the privilege to practice under this section who performs attest **or compilation** services [for an entity with a home office in this state shall only do so through a firm which has obtained a permit issued under] **shall comply with the provisions of** section 326.289.

(5) Nothing in this chapter shall prohibit temporary practice in this state for professional business incidental to a CPA's regular practice outside this state. "Temporary practice" means that practice related to the direct purpose of an engagement for a client located outside this state, which engagement began outside this state and extends into this state through common ownership, existence of a subsidiary, assets or other operations located within this state.

2. A licensee of this state offering or rendering services or using his or her certified public accountant title in another state shall be subject to disciplinary action in this state for an act committed in another state for which the licensee would be subject to discipline for an act committed in the other state. Notwithstanding the provisions of section 326.274 to the contrary, the board may investigate any complaint made by the board of accountancy of another state.

**326.286. ISSUANCE AND RENEWAL OF LICENSES, WHEN, TERM — LICENSE HOLDER BY FOREIGN AUTHORITY, STATE LICENSE ISSUED, WHEN.** — 1. The board may grant or renew licenses to persons who make application and demonstrate that their qualifications, including the qualifications prescribed by section 326.280, are in accordance with this section.

2. Licenses shall be initially issued and renewed for periods of not more than three years and shall expire on the renewal date following issuance or renewal. Applications for licenses shall be made in such form, and in the case of applications for renewal, between such dates, as

the board by rule shall specify. Application and renewal fees shall be determined by the board by rule.

3. With regard to applicants that do not qualify for reciprocity pursuant to subsection 1 of this section, [or a provisional license through the substantial equivalency standard set out in subsection 1 of section 326.283,] the board may issue a license to an applicant upon a showing that:

(1) The applicant passed the examination required for issuance of the applicant's certificate with grades that would have been passing grades at the time in this state;

(2) The applicant had four years of experience outside of this state of the type described in subdivision (6) of subsection 1 of section 326.280 or meets equivalent requirements prescribed by the board by rule, after passing the examination upon which the applicant's license was based and within the ten years immediately preceding the application; and

(3) If the applicant's certificate, license or permit was issued more than four years prior to the application for issuance of a license pursuant to this section, the applicant has fulfilled the requirements of continuing professional education that would have been applicable pursuant to subsection 6 of this section.

4. As an alternative to the requirements of subsection 3 of this section, a certified public accountant licensed by another state who establishes a principal place of business in this state shall request the issuance of a license from the board prior to establishing the principal place of business. The board may issue a license to the person who obtains verification from the NASBA National Qualification Appraisal Service that the individual's qualifications are substantially equivalent to the licensure requirements of sections 326.250 to 326.331.

5. An application pursuant to this section may be made through the NASBA Qualification Appraisal Service.

6. [For renewal of a license pursuant to this section,] Each licensee shall participate in a program of learning designed to maintain professional competency. The program of learning shall comply with rules adopted by the board. The board may create by rule an exception to such requirement for licensees who do not perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds of management advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters. Licensees granted an exception by the board shall place the word "inactive" adjacent to their certified public accountant title on any business card, letterhead or any other document or device, except their certified public accountant certificate, on which their certified public accountant title appears.

7. Applicants for initial issuance or renewal of licenses pursuant to this section shall list all states in which they have applied for or hold certificates, licenses or permits and list any past denial, revocation or suspension or any discipline of a certificate, license or permit. Each holder of or applicant for a license shall notify the board in writing within thirty days after its occurrence of any issuance, denial, revocation or suspension or any discipline of a certificate, license or permit by another state.

8. The board may issue a license to a holder of a substantially equivalent foreign designation, provided that:

(1) The foreign authority which granted the designation makes similar provisions to allow a person who holds a valid license issued by this state to obtain such foreign authority's comparable designation; and

(2) The foreign designation:

(a) Was duly issued by a foreign authority that regulates the practice of public accounting and the foreign designation has not expired or been revoked or suspended;

(b) Entitles the holder to issue reports upon financial statements; and

(c) Was issued upon the basis of educational, examination and experience requirements established by the foreign authority or by law; and

- (3) The applicant:
- (a) Received the designation based on educational and examination standards substantially equivalent to those in effect in this state at the time the foreign designation was granted;
  - (b) Completed an experience requirement substantially equivalent to the requirement set out in subdivision (6) of subsection 1 of section 326.280 in the jurisdiction which granted the foreign designation or has completed four years of professional experience in this state, or meets equivalent requirements prescribed by the board by rule within the ten years immediately preceding the application; and
  - (c) Passed a uniform qualifying examination in national standards and an examination on the laws, regulations and code of ethical conduct in effect in this state acceptable to the board.
9. An applicant pursuant to subsection 8 of this section shall list all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a designation to practice public accounting. Each holder of a license issued pursuant to this subsection shall notify the board in writing within thirty days after its occurrence of any issuance, denial, revocation, suspension or any discipline of a designation or commencement of a disciplinary or enforcement action by any jurisdiction.
10. The board has the sole authority to interpret the application of the provisions of subsections 8 and 9 of this section.

**326.289. ISSUANCE AND RENEWAL OF PERMITS, PROCEDURE.** — 1. The board may grant or renew permits to practice as a certified public accounting firm to applicants that demonstrate their qualifications in accordance with this chapter.

- (1) The following shall hold a permit issued under this chapter:
- (a) Any firm with an office in this state, as defined by the board by rule, **offering or performing attest or compilation services; or**
  - (b) Any firm with an office in this state that uses the title "CPA" or "CPA firm"; and
  - (c) Any firm that does not have an office in this state performing attest services for a client having a home office in this state].
- (2) [A firm which does not have an office in this state may perform compilation and review services for a client having a home office in this state and may use the title "CPA" or "CPA firm" without a permit issued under this section only if it:
- (a) Has the qualifications described in subsections 4 and 9 of this section; and
  - (b) Performs such services through an individual with the privilege to practice under subsection 1 of section 326.283] **Any firm that does not have an office in this state may offer or perform attest or compilation services in this state without a valid permit only if it meets each of the following requirements:**
- (a) **It complies with the qualifications described in subdivision (1) of subsection 4 of section 326.289;**
  - (b) **It complies with the requirements of peer review as set forth in this chapter and the board's promulgated regulations;**
  - (c) **It performs such services through an individual with practice privileges under section 326.283; and**
  - (d) **It can lawfully do so in the state where said individual with the privilege to practice has his or her principal place of business.**
- (3) A firm which is not subject to the requirements of subdivisions (1) or (2) of this subsection may perform [other professional services] **other nonattest or noncompilation services** while using the title "CPA" or "CPA firm" in this state without a permit issued under this section only if it:
- (a) [Has qualifications described in subsection 4 of this section;
  - (b)] Performs such services through an individual with the privilege to practice under section 326.283; and

[(c)] (b) Can lawfully do so in the state where said individual with privilege to practice has his or her principal place of business.

**(4) All firms practicing public accounting in this state shall register with the secretary of state.**

**(a) Firms which may be exempt from this requirement include:**

**a. Sole proprietorships;**

**b. Trusts created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a license or privilege to practice as set forth in sections 326.280, 326.283, or 326.286;**

**c. General partnerships not operating as a limited liability partnership; or**

**d. Foreign professional corporations which do not meet criteria of Chapter 356 due to name or ownership, shall obtain a certificate of authority as a general corporation. Notwithstanding the provisions of chapter 356, the secretary of state may issue a certificate of authority to a foreign professional corporation which does not meet the criteria of chapter 356 due to name or ownership, if the corporation meets the requirements of section 326.289 and the rules of the board.**

2. Permits shall be initially issued and renewed for periods of not more than three years or for a specific period as prescribed by board rule following issuance or renewal.

3. The board shall determine by rule the form for application and renewal of permits and shall annually determine the fees for permits and their renewals.

4. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to show that:

(1) A simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, principals, shareholders, members or managers, belongs to licensees who are licensed in some state, and the partners, officers, principals, shareholders, members or managers, whose principal place of business is in this state and who perform professional services in this state are licensees under section 326.280 or the corresponding provision of prior law. Although firms may include nonlicensee owners, the firm and its ownership shall comply with rules promulgated by the board;

(2) Any certified public accounting firm may include owners who are not licensees provided that:

(a) The firm designates a licensee of this state, or in the case of a firm which must have a permit under this section designates a licensee of another state who meets the requirements of section 326.283, who is responsible for the proper registration of the firm and identifies that individual to the board;

(b) All nonlicensee owners are active individual participants in the certified public accounting firm or affiliated entities;

(c) All owners are of good moral character; and

(d) The firm complies with other requirements as the board may impose by rule;

(3) Any licensee[, initially licensed on or after August 28, 2001,] who is responsible for supervising attest services, or signs or authorizes someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet competency requirements as determined by the board by rule which shall include one year of experience in addition to the experience required under subdivision (6) of subsection 1 of section 326.280 and shall be verified by a licensee. The additional experience required by this subsection shall include experience in attest work supervised by a licensee[;

(4) Any licensee who is responsible for supervising review services or signs or authorizes someone to sign review reports shall meet the competency requirements as determined by board by rule which shall include experience in review services[.

5. An applicant for initial issuance or renewal of a permit to practice shall register each office of the firm within this state with the board and show that all attest[, review] and compilation services rendered in this state are under the charge of a licensee.

6. No licensee or firm holding a permit under this chapter shall use a professional or firm name or designation that is misleading as to:

- (1) The legal form of the firm;
  - (2) The persons who are partners, officers, members, managers or shareholders of the firm;
- or
- (3) Any other matter.

The names of one or more former partners, members or shareholders may be included in the name of a firm or its successor unless the firm becomes a sole proprietorship because of the death or withdrawal of all other partners, officers, members or shareholders. A firm may use a fictitious name if the fictitious name is registered with the board and is not otherwise misleading. The name of a firm shall not include the name or initials of an individual who is not a present or a past partner, member or shareholder of the firm or its predecessor. The name of the firm shall not include the name of an individual who is not a licensee.

7. Applicants for initial issuance or renewal of permits shall list in their application all states in which they have applied for or hold permits as certified public accounting firms and list any past denial, revocation, suspension or any discipline of a permit by any other state. Each holder of or applicant for a permit under this section shall notify the board in writing within thirty days after its occurrence of any change in the identities of partners, principals, officers, shareholders, members or managers whose principal place of business is in this state; any change in the number or location of offices within this state; any change in the identity of the persons in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of a permit by any other state.

8. Firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel after receiving or renewing a permit shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the board may result in the suspension or revocation of the firm permit.

9. The board shall require by rule, as a condition to the renewal of permits, that firms undergo, no more frequently than once every three years, peer reviews conducted in a manner as the board shall specify. The review shall include a verification that individuals in the firm who are responsible for supervising attest[, review] and compilation services or sign or authorize someone to sign the accountant's report on the financial statements on behalf of the firm meet the competency requirements set out in the professional standards for such services, provided that any such rule:

- (1) Shall include reasonable provision for compliance by a firm showing that it has within the preceding three years undergone a peer review that is a satisfactory equivalent to peer review generally required under this subsection;

- (2) May require, with respect to peer reviews, that peer reviews be subject to oversight by an oversight body established or sanctioned by board rule, which shall periodically report to the board on the effectiveness of the review program under its charge and provide to the board a listing of firms that have participated in a peer review program that is satisfactory to the board; and

- (3) Shall require, with respect to peer reviews, that the peer review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that the board or any third party other than the oversight body shall not have access to documents furnished or generated in the course of the peer review of the firm except as provided in subdivision (2) of this subsection.

10. [Prior to January 1, 2008, licensees who perform fewer than three attest services during each calendar year shall be exempt from the requirements of subsection 9 of this section.

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11.] The board may, by rule, charge a fee for oversight of peer reviews, provided that the fee charged shall be substantially equivalent to the cost of oversight.

[12.] **11.** In connection with proceedings before the board or upon receipt of a complaint involving the licensee performing peer reviews, the board shall not have access to any documents furnished or generated in the course of the performance of the peer reviews except for peer review reports, letters of comment and summary review memoranda. The documents shall be furnished to the board only in a redacted manner that does not specifically identify any firm or licensee being peer reviewed or any of their clients.

[13.] **12.** The peer review processes shall be operated and the documents generated thereby be maintained in a manner designed to preserve their confidentiality. No third party, other than the oversight body, the board, subject to the provisions of subsection [12] **11** of this section, or the organization performing peer review shall have access to documents furnished or generated in the course of the review. All documents shall be privileged and closed records for all purposes and all meetings at which the documents are discussed shall be considered closed meetings under subdivision (1) of section 610.021. The proceedings, records and workpapers of the board and any peer review subjected to the board process shall be privileged and shall not be subject to discovery, subpoena or other means of legal process or introduction into evidence at any civil action, arbitration, administrative proceeding or board proceeding. No member of the board or person who is involved in the peer review process shall be permitted or required to testify in any civil action, arbitration, administrative proceeding or board proceeding as to any matters produced, presented, disclosed or discussed during or in connection with the peer review process or as to any findings, recommendations, evaluations, opinions or other actions of such committees or any of its members; provided, however, that information, documents or records that are publicly available shall not be subject to discovery or use in any civil action, arbitration, administrative proceeding or board proceeding merely because they were presented or considered in connection with the peer review process.

**326.292. ISSUANCE OF REPORTS ON FINANCIAL STATEMENTS, LICENSE REQUIRED — USE OF CPA OR CA TITLE, WHEN — VIOLATIONS, PENALTY. —** 1. Only licensees may issue a report on financial statements of any person, firm, organization or governmental unit or offer to render or render any attest service. Such restriction shall not prohibit any act of a public official or public employee in the performance of the person's duties as such; nor prohibit the performance by any nonlicensee of other services involving the use of accounting skills, including the preparation of tax returns, management advisory services and the preparation of nonattest financial statements. Nonlicensees may prepare financial statements and issue nonattest transmittals or information thereon which do not purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS).

2. Only certified public accountants shall use or assume the title certified public accountant, or the abbreviation CPA or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a certified public accountant. Nothing in this section shall prohibit:

(1) A certified public accountant whose certificate was in full force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who does not engage in the practice of public accounting, auditing, bookkeeping or any similar occupation, from using the title certified public accountant or abbreviation CPA;

(2) A person who holds a certificate, then in force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who is regularly employed by or is a director or officer of a corporation, partnership, association or business trust, in his or her capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon relating to such corporation, partnership, association or business trust provided the capacity is so designated, and provided in the signature line the title CPA or certified public accountant is not designated.

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3. No firm shall provide attest **or compilation** services or assume or use the title certified public accountants or the abbreviation CPAs, or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such firm is a certified public accounting firm unless:

(1) The firm holds a valid permit issued under section 326.289 or is a firm exempt from the permit requirement under subdivisions (2) and (3) of subsection 1 of section 326.289 and complies with all other applicable provisions of that section; and

(2) Ownership of the firm is in accord with section 326.289 and rules promulgated by the board.

4. Only persons holding a valid license or permit issued under section 326.280 or 326.289, or persons qualifying for the privilege to practice under section 326.283, and firms exempt from the permit requirement under subsection 1 of section 326.289, shall assume or use the title certified accountant, chartered accountant, enrolled accountant, licensed accountant, registered accountant, accredited accountant or any other title or designation likely to be confused with the titles certified public accountant or public accountant, or use any of the abbreviations CA, LA, RA, AA or similar abbreviation likely to be confused with the abbreviation CPA or PA. The title enrolled agent or EA shall only be used by individuals so designated by the Internal Revenue Service. Nothing in this section shall prohibit the use or issuance of a title for nonattest services provided that the organization and the title issued by the organization existed prior to August 28, 2001.

5. (1) Nonlicensees shall not use language in any statement relating to the financial affairs of a person or entity that is conventionally used by certified public accountants in reports on financial statements. Nonlicensees may use the following safe harbor language:

(a) For compilations:

"I (We) have prepared the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. This presentation is limited to preparing in the form of a financial statement information that is the representation of management (owners). I (We) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them."

(b) For reviews:

"I (We) reviewed the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. These financial statements (information) are (is) the responsibility of the company's management. I (We) have not audited the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them."

(2) Only persons or firms holding a valid license or permit issued under section 326.280 or 326.289 shall assume or use any title or designation that includes the words accountant or accounting in connection with any other language, including the language of a report, that implies that the person or firm holds a license or permit or has special competence as an accountant or auditor; provided, however, that this subsection shall not prohibit any officer, partner, principal, member, manager or employee of any firm or organization from affixing such person's own signature to any statement in reference to the financial affairs of the firm or organization with any wording designating the position, title or office that the person holds therein nor prohibit any act of a public official or employee in the performance of the person's duties as such. Nothing in this subsection shall prohibit the singular use of "accountant" or "accounting" for nonattest purposes.

6. Licensees signing or authorizing someone to sign reports on financial statements when performing attest[, review] or compilation services shall provide those services in accordance with professional standards as determined by the board by rule.

7. No licensee or firm holding a permit under sections 326.280 to 326.289 shall use a professional or firm name or designation that is misleading about the legal form of the firm, or

about the persons who are partners, principals, officers, members, managers or shareholders of the firm, or about any other matter.

8. None of the foregoing provisions of this section shall apply to a person or firm holding a certification, designation, degree or license granted in a foreign country entitling the holder to engage in the practice of public accounting or its equivalent in the country whose activities in this state are limited to the provision of professional services to persons or firms who are residents of, governments of, or business entities of the country in which the person holds the entitlement, who performs no attest[, review] or compilation services and who issues no reports with respect to the financial statements of any other persons, firms or governmental units in this state, and who does not use in this state any title or designation other than the one under which the person practices in such country, followed by a translation of such title or designation into the English language, if it is in a different language, and by the name of such country.

9. No licensee [whose license is issued under section 326.280 or issued pursuant to prior law] shall perform attest **or compilation** services through any certified public accounting firm that does not hold a valid permit issued under section 326.289.

10. Nothing herein shall prohibit a practicing attorney or firm of attorneys from preparing or presenting records or documents customarily prepared by an attorney or firm of attorneys in connection with the attorney's professional work in the practice of law.

11. Nothing herein shall prohibit any trustee, executor, administrator, referee or commissioner from signing and certifying financial reports incident to his or her duties in that capacity.

12. Nothing herein shall prohibit any director or officer of a corporation, partner or a partnership, sole proprietor of a business enterprise, member of a joint venture, member of a committee appointed by stockholders, creditors or courts, or an employee of any of the foregoing, in his or her capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon, relating to the corporation, partnership, business enterprise, joint venture or committee, provided the capacity is designated on the statement or report.

13. (1) A licensee shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the licensee also performs for that client:

(a) [An audit or review of a financial statement] **Attest services**; or

(b) A compilation of a financial statement when the licensee expects, or reasonably may expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

(c) An examination of prospective financial information. Such prohibition applies during the period in which the licensee is engaged to perform any of the services listed above and the period covered by any historical financial statements involved in such listed services.

(2) A licensee who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose in writing that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

(3) Any licensee who accepts a referral fee for recommending or referring any service of a licensee to any person or entity or who pays a referral fee to obtain a client shall disclose in writing the acceptance or payment to the client.

14. (1) A licensee shall not:

(a) Perform for a contingent fee any professional services for, or receive a fee from, a client for whom the licensee or the licensee's firm performs:

a. [An audit or review of a financial statement; or] **Attest services**;

b. A compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

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- c. An examination of prospective financial information;
- (b) Prepare an original tax return or claim for a tax refund for a contingent fee for any client; or
- (c) Prepare an amended tax return or claim for a tax refund for a contingent fee for any client, unless permitted by board rule.

(2) The prohibition in subdivision (1) of this subsection applies during the period in which the licensee is engaged to perform any of those services and the period covered by any historical financial statements involved in any services.

(3) A contingent fee is a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service. Solely for purposes of this section, fees are not regarded as being contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. A licensee's fees may vary depending, for example, on the complexity of services rendered.

15. Any person who violates any provision of subsections 1 to 5 of this section shall be guilty of a class A misdemeanor. Whenever the board has reason to believe that any person has violated this section it may certify the facts to the attorney general of this state or bring other appropriate proceedings.

**326.307. USE OF CERTAIN TITLES, PRIMA FACIE EVIDENCE THAT PERSONS HOLD THEMSELVES OUT AS ACCOUNTANTS.** — The display or uttering by a person of a card, sign, advertisement or other printed, engraved or written instrument or device, printed or through electronic media, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof, or "public accountant" or any abbreviation thereof, shall be prima facie evidence in any action brought pursuant to section 326.298 that the person whose name is so displayed caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device and that such person is holding himself or herself out to be a certified public accountant or a public accountant holding a license [pursuant to section 326.280]. In any such action evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

**326.310. REFUSAL TO ISSUE LICENSE OR PERMIT, GROUNDS FOR REFUSAL — COMPLAINT FILED WITH ADMINISTRATIVE HEARING COMMISSION, WHEN, PROCEDURE — DISCIPLINARY ACTIONS AUTHORIZED BY BOARD.** — 1. The board may refuse to issue any license or permit required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may file a complaint with the administrative hearing commission as provided by chapter 621 or may initiate settlement procedures as provided by section 621.045 against any certified public accountant or permit holder required by this chapter or any person who fails to renew or surrenders the person's certificate, license or permit for any one or any combination of the following causes:

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to 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;

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

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter or any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate or permit or allowing any person to use his or her certificate or permit or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether voluntarily agreed to by the certified public accountant or applicant, including but not limited to the denial of licensure, surrender of a license, allowing a license to expire or lapse, or discontinuing or limiting the practice of accounting while subject to an investigation or while actually under investigation by any licensing authority, branch of the Armed Forces of the United States of America, court, agency of the state or federal government, **PCAOB**, or employer;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice accountancy pursuant to this chapter who is not eligible to practice pursuant to this chapter;

(11) Issuance of a [certificate] **license** or permit based upon a material mistake of fact;

(12) Failure to display a valid certificate, **license**, or permit required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of any professional trust or confidence;

(14) 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;

(15) Violation of professional standards or rules of professional conduct applicable to the accountancy profession as promulgated by the board;

(16) Failure to comply with any final order of a court of competent jurisdiction enforcing a subpoena or subpoena duces tecum from the board;

(17) Failure to comply with any final order of the board;

(18) Failure to maintain documentation evidencing compliance with the board's continuing professional education requirements;

(19) Failure, on the part of a holder of a certificate, license or permit pursuant to section 326.280 or 326.289, to maintain compliance with the requirements for issuance or renewal of such certificate, license, permit or provisional license or to report changes to the board pursuant to sections 326.280 to 326.289;

(20) Making any false or misleading statement or verification in support of an application for a certificate, license or permit filed by another.

3. Proceedings pursuant to this section shall be conducted in accordance with the provisions of chapter 621. Upon a finding that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination, assess an administrative penalty not to exceed two thousand dollars per violation, censure or place on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend for a period not to exceed three years or revoke the certificate, license or permit. In any order of revocation, the board may provide that the person shall not apply for a new license for a maximum of three years and one day following the date of the order of revocation.

All stay orders shall toll this time period. In lieu of or in addition to any remedy specifically provided in subsection 1 of this section, the board may require of a licensee:

- (1) A peer review conducted as the board may specify; or
- (2) Satisfactory completion of continuing professional education programs **or other training** as the board may specify; or
- (3) A peer review conducted as the board may specify and satisfactory completion of continuing professional education programs as the board may specify.

**326.316. ISSUANCE OF NEW LICENSE AFTER REVOCATION, WHEN.** — Upon application in writing and after hearing pursuant to notice, the board may issue a new license to a licensee whose license has been revoked, or may reissue or modify the suspension of any **certificate, license, or permit** to practice public accounting which has been revoked or suspended.

**326.325. WORK PRODUCT, PROPERTY OF LICENSEE — CONSENT OF CLIENT NECESSARY FOR DISCLOSURE.** — 1. Subject to the provisions of section 326.322, all statements, records, schedules, working papers and memoranda made by a licensee or a partner, shareholder, officer, director, member, manager or employee of a licensee, incident to, or in the course of, rendering services to a client while a licensee, except the reports submitted by the licensee to the client and except for records that are part of the client's records, shall be and remain the property of the licensee in the absence of an express agreement between the licensee and the client to the contrary. No statement, record, schedule, working paper or memorandum shall be sold, transferred or bequeathed without the consent of the client or the client's personal representative or assignee to anyone other than one or more surviving partners, stockholders, members or new partners, new stockholders or new members of the licensee, or any combined or merged firm or successor in interest to the licensee. Nothing in this section should be construed as prohibiting any temporary transfer of workpapers or other material necessary in the course of carrying out peer reviews or as otherwise interfering with the disclosure of information pursuant to section 326.322.

2. A licensee shall furnish to a client or former client, upon request and reasonable notice:

- (1) A copy of the licensee's working papers to the extent that the working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and
- (2) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account. The licensee may make and retain copies of such documents of the client when they form the basis for work done by the licensee.

3. Nothing in this section shall require a licensee to keep any paperwork beyond the period prescribed in any other applicable statute, nor shall it prohibit a licensee from charging a reasonable fee for furnishing the requested materials.

[4. Notwithstanding the provisions of this chapter to the contrary, documents otherwise subject to lawful discovery in a court proceeding pursuant to the Missouri rules of civil procedure prior to August 28, 2001, shall remain subject to such lawful discovery.]

**[326.313. REVOCATION OF PERMIT, WHEN.** — After notice and hearings as provided in chapter 621, the board may revoke the permit of a CPA firm if it does not have all the qualifications prescribed by section 326.289; or may revoke, suspend or censure the permit holder for any of the causes enumerated in section 326.310.]

Approved June 23, 2017

## SB 421 [CCS HCS SCS SB 421]

**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 conveyance of state property**

AN ACT to repeal section 37.005, RSMo, and to enact in lieu thereof two new sections relating to the conveyance of state property.

## SECTION

- A. Enacting clause.
- 37.005. Powers and duties, generally.
  - 1. Director of DNR authorized to convey property in City of Independence, Jackson County.

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

**SECTION A. ENACTING CLAUSE.** — Section 37.005, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 37.005 and 1, to read as follows:

**37.005. POWERS AND DUTIES, GENERALLY.** — 1. Except as provided herein, the office of administration shall be continued as set forth in house bill 384, seventy-sixth general assembly and shall be considered as a department within the meaning used in the Omnibus State Reorganization Act of 1974. The commissioner of administration shall appoint directors of all major divisions within the office of administration.

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

3. The office of administration is designated the "Missouri State Agency for Surplus Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for disposal of surplus federal property. All the powers, duties and functions vested by sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration as well as all property and personnel related to the duties. The commissioner shall integrate the program of disposal of federal surplus property with the processes of disposal of state surplus property to provide economical and improved service to state and local agencies of government. The governor shall fix the amount of bond required by section 37.080. All employees transferred shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of 1974.

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

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

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

7. The commissioner of administration shall from time to time examine the space needs of the agencies of state government and space available and shall, with the approval of the board

of public buildings, assign and reassign space in property owned, leased or otherwise controlled by the state. Any other law to the contrary notwithstanding, upon a determination by the commissioner that all or part of any property is in excess of the needs of any state agency, the commissioner may lease such property to a private or government entity. Any revenue received from the lease of such property shall be deposited into the fund or funds from which moneys for rent, operations or purchase have been appropriated. The commissioner shall establish by rule the procedures for leasing excess property.

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

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

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

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

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

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

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

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

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

9. Except as provided in subsection 12 of this section, the fee title to all real property now owned or hereafter acquired by the state of Missouri, or any department, division, commission, board or agency of state government, other than real property owned or possessed by the state highways and transportation commission, conservation commission, state department of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor. The governor may not convey or otherwise transfer the title to such real property, unless such conveyance or transfer is first authorized by an act of the general assembly. The provisions of this subsection requiring authorization of a conveyance or transfer by an act of the general assembly shall not, however, apply to the granting or conveyance of an easement **for any purpose** to any **political subdivision of the state**; a rural electric cooperative as defined in chapter 394], municipal corporation, quasi-governmental corporation owning or operating a

public utility, or]; a public utility, except [railroads] **a railroad**, as defined in chapter 386; **or to accommodate utility service, including electrical, gas, steam, water, sewer, telephone, internet, or similar utility service, extended upon or provided to state property or facilities; to accommodate rights of access, ingress and egress on or to any state property or facilities; or to facilitate the construction, location, relocation, or use of any common elements of condominium property if the state is a unit owner within the condominium development.** The governor, with the approval of the board of public buildings, may, upon the request of any state department, agency, board or commission not otherwise being empowered to make its own transfer or conveyance of any land belonging to the state of Missouri which is under the control and custody of such department, agency, board or commission, grant or convey without further legislative action, for such consideration as may be agreed upon, easements across, over, upon or under any such state land to any **political subdivision of the state; a rural electric cooperative[,] as [governed] defined in chapter 394[,]** municipal corporation, or quasi-governmental corporation owning or operating a public utility, or]; a public utility, except a railroad, as defined in chapter 386; **or to accommodate utility service, including electrical, gas, steam, water, sewer, telephone, internet, or similar utility service, extended upon or provided to state property or facilities; to accommodate rights of access, ingress and egress on or to state property or facilities; or to facilitate the construction, location, relocation, or use of any common elements of condominium property if the state is a unit owner within the condominium development.** The easement shall be for the purpose of promoting the general health, welfare and safety of the public and shall include the right of **access, ingress or egress** for the purpose of constructing, maintaining or removing any **street, roadway, sidewalk, public right-of-way or thoroughfare, pipeline, power line, gas line, water or steam line, telephone line, internet cable, sewer line,** or other similar [public utility] installation or any equipment or appurtenances necessary to the operation thereof[,] except that, a railroad as defined in chapter 386 shall not be included in the provisions of this subsection unless such conveyance or transfer is first authorized by an act of the general assembly. The easement shall be for such consideration as may be agreed upon by the parties and approved by the board of public buildings. The attorney general shall approve the form of the instrument of conveyance. The commissioner of administration shall prepare management plans for such properties in the manner set out in subsection 7 of this section.

10. The commissioner of administration shall administer a revolving "Administrative Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval of the oversight division of the joint committee on legislative research. The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

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

12. The titles which are vested in the governor by or pursuant to this section to real property assigned to any of the educational institutions referred to in section 174.020 on June 15, 1983, are hereby transferred to and vested in the board of regents of the respective educational institutions, and the titles to real property and other interests therein hereafter acquired by or for the use of any such educational institution, notwithstanding provisions of this section, shall vest in the board of regents of the educational institution. The board of regents may not convey or otherwise transfer the title to or other interest in such real property unless the conveyance or



transfer is first authorized by an act of the general assembly, except as provided in section 174.042, and except that the board of regents may grant easements over, in and under such real property without further legislative action.

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

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

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

**SECTION 1. DIRECTOR OF DNR AUTHORIZED TO CONVEY PROPERTY IN CITY OF INDEPENDENCE, JACKSON COUNTY. — 1. The director of the department of natural resources is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim to all interest of the department of natural resources in property located in Jackson County, Missouri, to the City of Independence. The property to be conveyed is more particularly described as follows:**

**TRACT I:**

All of Lots 5, 8, 9 and 12, Catherine Atkins Subdivision of Lot 7 of Woodson's Subdivision of Lots 93, 130, 131 and 142, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, lying North of the Lexington Branch of the Missouri Pacific Railroad.

**TRACT III:**

All of the West half of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, lying North of the Lexington Branch of the Missouri Pacific Railroad.

**TRACT IV:**

All of the South 281 1/2 feet of the East half of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, except the South 166 1/2 feet thereof and except ALL that part of Lot 141. OLD TOWN INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, described as follows: Commencing at the Southeast corner of said Lot 141; thence North along the East line of said Lot 141, a distance of 166 1/2 feet to the true point of beginning; thence continuing North along said East line of said Lot 141, a distance of 115 feet; thence West 100 feet; thence South 115 feet; thence East to the point of beginning, according to the recorded plat thereof.

**TRACT V:**

All of the West half of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, lying South of the Lexington Branch of the Missouri Pacific Railroad, except the South 166 1/2 feet thereof.

**TRACT II:**

All of Lot 12, Catherine Atkins Subdivision of Lot 7 of Woodson's Subdivision of Lots 93, 130, 131 and 142, OLD TOWN OF INDEPENDENCE, a Subdivision

in Independence, Jackson County, Missouri lying South of the Lexington Branch of Missouri Pacific Railroad.

**TRACT VI:**

All of the South 166 1/2 feet of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, except the South 30 feet thereof in street.

Eugene L. Selders and Monica T. Selders were husband and wife when they acquired title to the premises in question and remained husband and wife, continuously, never having been divorced, until the date of his death on June 24, 1979 at Kansas City, Jackson County, Missouri.

2. The director of the department of natural resources 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 and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Approved July 5, 2017

SB 486 [SB 486]

**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 a certain state property located in Cole County to the City of Jefferson**

AN ACT to authorize the conveyance of a certain state property to the city of Jefferson.

**SECTION**

A. Enacting clause.

1. Authority to convey state property located in Cole County to the City of Jefferson.

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

**SECTION 1. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN COLE COUNTY TO THE CITY OF JEFFERSON.** — 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 Cole County, Missouri, to the City of Jefferson. The property to be conveyed is more particularly described as follows:

Part of Section 8; Part of U.S. Surveys Nos. 2681 and 3325 all in Township 44 North, Range 11 West, in the City of Jefferson, Cole County, Missouri; more particularly being all of Inlots 246, 250 and 251, part of Inlots 247, 248, 252, 217, 218, 219, 221 and 222, part of the Edwards Street and Hough Street right-of-ways, part of an alley lying between Inlots 246-249 and 250-253 and part of an alley lying between Inlots 217-220 and 221-224, part of the Old Missouri State Penitentiary Grounds that may include certain platted Inlots, Streets, Alleys and Commons of various un-recorded plats of said City of Jefferson lying within the following described boundary:

**BEGINNING** at a point on the easterly line of the 80 foot wide public street right-of-way known as Chestnut Street, being the southwesterly corner of Inlot 154 of the aforesaid original plat of the City of Jefferson; thence N47° 46' 07" W, along the southern end of that portion of said Chestnut Street right-of-way,

vacated by City Ordinance No. 4423, 80.00 feet to a point on the westerly line thereof; thence S41°59'31"W, along said Chestnut Street right-of-way line, 218.78 feet to a point on the northerly line of the 80 foot wide street right-of-way known as Capitol Avenue (formerly known as Main Street); thence N47°42'34"W, along said Capitol Avenue right-of-way line, 419.17 feet to the easterly line of the 80 foot wide Cherry Street right-of-way; thence N42°05'10"E, along the easterly line of said Cherry Street right-of-way, 1064.91 feet; thence N47°53'30"W, 490.25 feet; thence clockwise, southwesterly, on a non-tangent curve to the right, having a radius of 80.00 feet, an arc distance of 151.40 feet (the chord of said curve being S46°19'49"W, 129.80 feet) to a point on the easterly line of a portion of the 80 foot wide street right-of-way known as Lafayette Street, vacated by City Ordinance No. 3256; thence S42°12'53"W, along said vacated Lafayette Street right-of-way line, 436.33 feet to a point on southerly end of said vacated portion of the Lafayette Street right-of-way, being on the northerly line of the 80 foot wide public street right-of-way known as State Street (formerly known as Water Street); thence N47°42'40"W, along the said State Street right-of-way line, 100.00 feet to the southeasterly corner of the property described by deed of record in Book 568, page 367, Cole County Recorder's Office and said corner being 20 feet westerly from the southeasterly corner of Inlot No. 200; thence along the boundary of said property described in Book 568, page 367 the following courses: N42°12'53"E, 465.04 feet; thence N3°55'37"W, 165.77 feet; thence N70°03'35"W, 301.66 feet; thence leaving the boundary of said property described in Book 568, page 367, N42°22'35"E, along the northeasterly extension of the westerly boundary of said property described in Book 568, page 367 being the easterly line of the 80 foot wide street right-of-way known as Marshall Street (partly vacated by City Ordinance No. 14703) and along its northerly extension thereof, 238.69 feet to a point on the southerly boundary of the property commonly known as Adrian's Island and described by deed of record in Book 233, pages 434 and 435, Cole County Recorder's Office and said point being in the approximate center of a slough according to a certain un-recorded surveyed boundary of said Adrian's Island, by Larry Brickey, dated September 7, 1988; thence Easterly, along the southerly boundary of said Adrian's Island Survey the following courses: S65°16'12"E, along the approximate center of the aforesaid slough, 188.52 feet; thence S74°42'59"E, along the approximate center of said slough, 249.00 feet to a point at the Ordinary High Water Mark of the Missouri River; thence S64°43'37"E, on a direct line, 919.42 feet to a point in the approximate center of another slough; thence S64°54'09"E, along the approximate center of said slough, 35.00 feet; thence S77°01'51"E, along the approximate center of said slough, 26.88 feet to a point on the westerly end of the Missouri Pacific Railroad right-of-way and properties as described by deed of record in Book K, page 640, Cole County Recorder's Office; thence along the boundary of the right-of-way and properties described in said Book K, page 640 the following courses: S2°00'03"W, 103.59 feet; thence S67°12'24"E, 93.04 feet to a point on the westerly line of Inlot 254 of the aforesaid City of Jefferson being the easterly line of the aforesaid vacated Chestnut Street right-of-way; thence S41°59'31"W, along the westerly line of said Inlot 254, 123.22 feet to the southwesterly corner thereof, being on the northerly line of the 80 foot wide public street right-of-way known as Edwards Street; thence S47°46'07"E, along the southerly line of Inlots 254 and 255, being the northerly line of said Edwards Street right-of-way, 181.86 feet; thence S26°57'48"W, 483.03 feet; thence S10°00'23"W, 80.00 feet; thence N79°59'37"W, 62.62 feet; thence westerly, on a curve to the left, having a radius

of 410.00 feet, an arc distance of 105.17 feet (the chord of said curve being N87°20'32"W, 104.88 feet); thence clockwise, southwesterly, on a non-tangent curve to the right, having a radius of 100.00 feet, an arc distance of 77.29 feet (the chord of said curve being S39°19'24"W, 75.38 feet); thence S4°57'25"E, 48.23 feet; thence S85°02'35"W, 80.00 feet; thence N4°57'25"W, 48.23 feet; thence clockwise, northwesterly, on a non-tangent curve to the right, having a radius of 100.00 feet, an arc distance of 72.03 feet (the chord of said curve being N50°44'34"W, 70.49 feet); thence S83°28'18"W, 29.67 feet; thence southwesterly, on a curve to the left, having a radius of 310.41 feet, an arc distance of 218.60 feet (the chord of said curve being S62°14'10"W, 214.11 feet) to the southwesterly corner of Inlot 221 of the aforesaid City of Jefferson, being a point on the easterly line of the aforesaid vacated portion of the Chestnut Street right-of-way; thence S41°59'31"W, along said vacated Chestnut Street right-of-way, 278.75 feet to the POINT OF BEGINNING.

Containing 31.82 acres.

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.

Approved July 11, 2017

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SB 501 [CCS HCS SB 501]

**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 191.227, 195.206, 197.040, 197.050, 197.070, 197.071, 197.080, 197.100, 334.010, 334.036, 334.735, 337.010, 337.025, 338.010, and 345.051, RSMo, and to enact in lieu thereof twenty-four new sections relating to health care, with an effective date for certain sections.

**SECTION**

- A. Enacting clause.
- 191.227. Medical records to be released to patient, when, exception — fee permitted, amount — liability of provider limited — annual handling fee adjustment — disclosure of deceased patient records, when.
- 194.600. Registry established — definitions — submission of documents by adult declarant — confidentiality — third-party to operate registry — rulemaking authority.
- 195.205. Immunity from liability for seeking or obtaining medical assistance for a drug overdose, when — law enforcement to provide information and resources, when.
- 195.206. Opioid antagonist, sale and dispensing of by pharmacists, possession of — administration of, contacting emergency personnel — immunity from liability, when.
- 196.990. Epinephrine auto-injectors, authorized entities may stock supply — definitions — procedure — immunity from liability — applicability.
- 197.005. Medicare conditions of participation compliance, deemed compliance with hospital licensure standards.
- 197.040. Beginning July 1, 2018, license for hospital required. Until June 30, 2018, license for hospital required.
- 197.050. Beginning July 1, 2018, application for license, contents — fee. Until June 30, 2018, application for license, contents — fee.
- 197.070. Beginning July 1, 2018, denial, suspension or revocation of license. Until June 30, 2018, denial, suspension or revocation of license.
- 197.071. Beginning July 1, 2018, review by administrative hearing commission. Until June 30, 2018, review by administrative hearing commission.
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- 197.080. Beginning July 1, 2018, rules, procedure — regulations and standards — review and revision of regulations — rulemaking authority. Until June 30, 2018, rules, procedure — regulations and standards — review and revision of regulations — rulemaking authority.
- 197.100. Beginning July 1, 2018, inspections by department of health and senior services required, reports from certain other agencies accepted, when — department to determine life, safety, and building codes. Until June 30, 2018, inspections by department of health and senior services required, reports from certain other agencies accepted, when — department to determine life, safety, and building codes.
- 198.053. Assisted living facilities, notification of posting of latest Vaccine Informational Sheet.
- 324.003. Payment of fees, method — electronic application and renewal of licensure — written or electronic communications to licensing board, when.
- 334.010. Unauthorized practice of medicine and surgery prohibited — practice of medicine across state lines, definition — sports-related medical services, inapplicability.
- 334.036. Assistant physicians — definitions — limitation on practice — licensure, rulemaking authority — collaborative practice arrangements.
- 334.735. Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — supervision agreements — duties and liability of physicians.
- 337.010. Definitions.
- 337.025. Educational and experience requirements for licensure, certain persons.
- 338.010. Practice of pharmacy defined — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — report.
- 345.051. Renewal of license or registration, when — form, content — mailing of form, authorized — failure to mail or to receive form, effect on licensure or registration.
- 478.004. Medication-assisted treatment, not prohibited, when.
- 487.200. Medication-assisted treatment, not prohibited, when.
1. Drug take-back program, board authorized to expend, allocate, or award funds.
  - B. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 191.227, 195.206, 197.040, 197.050, 197.070, 197.071, 197.080, 197.100, 334.010, 334.036, 334.735, 337.010, 337.025, 338.010, and 345.051, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 191.227, 194.600, 195.205, 195.206, 196.990, 197.005, 197.040, 197.050, 197.070, 197.071, 197.080, 197.100, 198.053, 324.003, 334.010, 334.036, 334.735, 337.010, 337.025, 338.010, 345.051, 478.004, 487.200, and 1, to read as follows:

**191.227. MEDICAL RECORDS TO BE RELEASED TO PATIENT, WHEN, EXCEPTION — FEE PERMITTED, AMOUNT — LIABILITY OF PROVIDER LIMITED — ANNUAL HANDLING FEE ADJUSTMENT — DISCLOSURE OF DECEASED PATIENT RECORDS, WHEN.** — 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than [twenty-two] **twenty-four** dollars and [eighty-two] **eighty-five** cents plus copying in the amount of [fifty-three] **fifty-seven** cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed [twenty-one] **twenty-three** dollars and [thirty-six] **twenty-six** cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred **eight dollars and eighty-eight cents** total, whichever is less, if such person:

a. Requests health records to be delivered electronically in a format of the health care provider's choice;

b. The health care provider stores such records completely in an electronic health record; and

c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost; and

(3) Notary fee, not to exceed two dollars, if requested.

3. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

4. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's internet website by February first of each year.

**6. A health care provider may disclose a deceased patient's health care records or payment records to the executor or administrator of the deceased person's estate, or pursuant to a valid, unrevoked power of attorney for health care that specifically directs that the deceased person's health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not inconsistent with any prior expressed preference of the deceased that is known to the health care provider, a deceased patient's health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient's spouse and the records shall be released on the affidavit of the surviving spouse that he or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:**

**(1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse;**

**(2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;**

**(3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;**

**(4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;**

**(5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or**

(6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased.

**194.600. REGISTRY ESTABLISHED — DEFINITIONS — SUBMISSION OF DOCUMENTS BY ADULT DECLARANT — CONFIDENTIALITY — THIRD-PARTY TO OPERATE REGISTRY — RULEMAKING AUTHORITY.**—1. As used in this section, the following terms mean:

- (1) "Adult", an individual who is eighteen years of age or older;
- (2) "Advance health care directive", a power of attorney for health care or a declaration signed or authorized by an adult, containing the person's direction concerning a health care decision;
- (3) "Declaration", a record, including but not limited to a living will or a do-not-resuscitate order, signed by an adult specifying the circumstances under which a life support system may be withheld or withdrawn;
- (4) "Department", the department of health and senior services;
- (5) "Health care decision", any decision regarding the health care of the person;
- (6) "Intake point", any licensed health care provider or licensed attorney.

2. The department shall issue a request for proposals and contract with a third party for the establishment of a secure online central registry for individuals to be known as the "Advance Health Care Directives Registry" to store advance health care directives and to give authorized health care providers access to such directives.

3. An adult declarant may submit an advance health care directive or declaration and the revocations of such documents to the registry established under subsection 2 of this section.

4. Any document and any revocation of a document submitted for filing in the registry shall be submitted electronically at an intake point and signed electronically with a unique identifier, such as a social security number, a driver's license number, or another unique government-issued identifier. The electronic submission of the document shall be accompanied by a fee not to exceed ten dollars.

5. All data and information contained in the registry shall remain confidential and shall be exempt from the provisions of chapter 610.

6. The third party awarded a contract pursuant to subsection 2 of this section shall be solely responsible for all issues applicable to the registry, including, but not limited to, the development and operation of the registry; educating the general public, licensed health care providers, and legal professionals about the registry; responding to questions; providing technical assistance to users; and collection of user fees not to exceed ten dollars.

7. The department may promulgate rules to carry out the provisions of this section which may include, but not be limited to:

(1) A determination of who may access the registry, including physicians, other licensed health care providers, the declarant, and his or her legal representatives or designees; and

(2) A means for the contracting third party to annually remind registry users of which documents they have registered.

8. 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, 2017, shall be invalid and void.

9. Failure to register a document with the registry maintained under this section shall not affect the document's validity. Failure to notify the registry of the revocation of a

document previously filed with the registry shall not affect the validity of a revocation that meets the statutory requirements for such revocation to be valid.

**195.205. IMMUNITY FROM LIABILITY FOR SEEKING OR OBTAINING MEDICAL ASSISTANCE FOR A DRUG OVERDOSE, WHEN — LAW ENFORCEMENT TO PROVIDE INFORMATION AND RESOURCES, WHEN. — 1.** For purposes of this section, the following terms shall mean:

(1) "Drug or alcohol overdose", a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death which is the result of consumption or use of a controlled substance or alcohol or a substance with which the controlled substance or alcohol was combined, or that a person would reasonably believe to be a drug or alcohol overdose that requires medical assistance;

(2) "Medical assistance", includes, but is not limited to, reporting a drug or alcohol overdose or other medical emergency to law enforcement, the 911 system, a poison control center, or a medical provider; assisting someone so reporting; or providing care to someone who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance.

2. A person who, in good faith, seeks or obtains medical assistance for someone who is experiencing a drug or alcohol overdose or other medical emergency or a person experiencing a drug or alcohol overdose or other medical emergency who seeks medical assistance for himself or herself or is the subject of a good faith request shall not be arrested, charged, prosecuted, convicted, or have his or her property subject to civil forfeiture or otherwise be penalized for the following if the evidence for the arrest, charge, prosecution, conviction, seizure, or penalty was gained as a result of seeking or obtaining medical assistance:

- (1) Committing a prohibited act under sections 579.015, 579.074, 579.078, or 579.105;
- (2) Committing a prohibited act under sections 311.310, 311.320, or 311.325;
- (3) Violating a restraining order; or
- (4) Violating probation or parole.

3. (1) This section shall not prohibit a police officer from arresting a person for an outstanding warrant under subsection 1 of section 221.510.

(2) This section shall not prohibit a person from being arrested, charged, or prosecuted based on an offense other than an offense under subsection 2 of this section, whether the offense arises from the same circumstances as the seeking of medical assistance.

(3) The protection of prosecution under this section for possession offenses shall not be grounds for suppression of evidence or dismissal in charges unrelated to this section.

4. Any police officer who is in contact with any person or persons in need of emergency medical assistance under this section shall provide appropriate information and resources for substance-related assistance.

**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:

(1) The director of the department of health and senior services, if a licensed physician, may issue a statewide standing order for an opioid antagonist;

(2) In the alternative, the department may employ or contract with a licensed physician who may issue a statewide standing order for an opioid antagonist with the express written consent of the department director.

3. Notwithstanding any other law or regulation to the contrary, any licensed pharmacist in Missouri may sell and dispense an opioid antagonist under physician protocol **or under a statewide standing order issued under subsection 2 of this section.**

[3.] 4. 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. **A physician issuing a statewide standing order under subsection 2 of this section shall not be subject to any criminal or civil liability or any professional disciplinary action for issuing the standing order or for any outcome related to the order or the administration of the opioid antagonist.**

[4.] 5. Notwithstanding any other law or regulation to the contrary, it shall be permissible for any person to possess an opioid antagonist.

[5.] 6. 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.

**196.990. EPINEPHRINE AUTO-INJECTORS, AUTHORIZED ENTITIES MAY STOCK SUPPLY —DEFINITIONS—PROCEDURE—IMMUNITY FROM LIABILITY—APPLICABILITY. — 1. As used in this section, the following terms shall mean:**

(1) "Administer", the direct application of an epinephrine auto-injector to the body of an individual;

(2) "Authorized entity", any entity or organization at or in connection with which allergens capable of causing anaphylaxis may be present including, but not limited to, restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas. "Authorized entity" shall not include any public school or public charter school;

(3) "Epinephrine auto-injector", a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;

(4) "Physician", a physician licensed in this state under chapter 334;

(5) "Provide", the supply of one or more epinephrine auto-injectors to an individual;

(6) "Self-administration", a person's discretionary use of an epinephrine auto-injector.

2. A physician may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists, physicians, and other persons authorized to dispense prescription medications may dispense epinephrine auto-injectors under a prescription issued in the name of an authorized entity.

3. An authorized entity may acquire and stock a supply of epinephrine auto-injectors under a prescription issued in accordance with this section. Such epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use and any additional requirements established by the department of health and senior services by rule. An authorized entity shall designate employees or agents who have completed the training required under this section to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

4. An authorized entity that acquires a supply of epinephrine auto-injectors under a prescription issued in accordance with this section shall ensure that:

(1) Expected epinephrine auto-injector users receive training in recognizing symptoms of severe allergic reactions including anaphylaxis and the use of epinephrine auto-injectors from a nationally recognized organization experienced in training laypersons in emergency health treatment or another entity or person approved by the department of health and senior services;

(2) All epinephrine auto-injectors are maintained and stored according to the epinephrine auto-injector's instructions for use;

(3) Any person who provides or administers an epinephrine auto-injector to an individual who the person believes in good faith is experiencing anaphylaxis activates the emergency medical services system as soon as possible; and

(4) A proper review of all situations in which an epinephrine auto-injector is used to render emergency care is conducted.

5. Any authorized entity that acquires a supply of epinephrine auto-injectors under a prescription issued in accordance with this section shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the epinephrine auto-injectors are to be located within the entity's facility.

6. No person shall provide or administer an epinephrine auto-injector to any individual who is under eighteen years of age without the verbal consent of a parent or guardian who is present at the time when provision or administration of the epinephrine auto-injector is needed. Provided, however, that a person may provide or administer an epinephrine auto-injector to such an individual without the consent of a parent or guardian if the parent or guardian is not physically present and the person reasonably believes the individual shall be in imminent danger without the provision or administration of the epinephrine auto-injector.

7. The following persons and entities shall not be liable for any injuries or related damages that result from the administration or self-administration of an epinephrine auto-injector in accordance with this section that may constitute ordinary negligence:

(1) An authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents, and other trained persons;

(2) Any person who uses an epinephrine auto-injector made available under this section;

(3) A physician that prescribes epinephrine auto-injectors to an authorized entity; or

(4) Any person or entity that conducts the training described in this section.

Such immunity does not apply to acts or omissions constituting a reckless disregard for the safety of others or willful or wanton conduct. The administration of an epinephrine auto-injector in accordance with this section shall not be considered the practice of medicine. The immunity from liability provided under this subsection is in addition to and not in lieu of that provided under section 537.037. An authorized entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector by its employees or agents outside of this state if the entity or its employee or agent are not liable for such injuries or related damages under the laws of the state in which such provision or administration occurred. No trained person who is in compliance with this section and who in good faith and exercising reasonable care fails to administer an epinephrine auto-injector shall be liable for such failure.

8. All basic life support ambulances and stretcher vans operated in the state shall be equipped with epinephrine auto-injectors and be staffed by at least one individual trained in the use of epinephrine auto-injectors.

9. The provisions of this section shall apply in all counties within the state and any city not within a county.

10. Nothing in this section shall be construed as superseding the provisions of section 167.630.

**197.005. MEDICARE CONDITIONS OF PARTICIPATION COMPLIANCE, DEEMED COMPLIANCE WITH HOSPITAL LICENSURE STANDARDS. — 1. As used in this section, the term "Medicare conditions of participation" shall mean federal regulatory standards established under Title XVIII of the Social Security Act and defined in 42 CFR 482, as amended, for hospitals and 42 CFR 485, as amended, for hospitals designated as critical access hospitals under 42 U.S.C. Section 1395i-4.**

**2. To minimize the administrative cost of enforcing and complying with duplicative regulatory standards, on and after July 1, 2018, compliance with Medicare conditions of participation shall be deemed to constitute compliance with the standards for hospital licensure under sections 197.010 to 197.120 and regulations promulgated thereunder.**

**3. Nothing in this section shall preclude the department of health and senior services from promulgating regulations effective on or after July 1, 2018, to define separate regulatory standards that do not duplicate or contradict the Medicare conditions of participation, with specific state statutory authorization to create separate regulatory standards.**

**4. Regulations promulgated by the department of health and senior services to establish and enforce hospital licensure regulations under this chapter that duplicate or conflict with the Medicare conditions of participation shall lapse and expire on and after July 1, 2018.**

**197.040. BEGINNING JULY 1, 2018, LICENSE FOR HOSPITAL REQUIRED. UNTIL JUNE 30, 2018, LICENSE FOR HOSPITAL REQUIRED. —** After ninety days from the date this law becomes effective, no person or governmental unit, acting severally or jointly with any other person or governmental unit, shall establish, conduct or maintain a hospital in this state without a license under this law **and section 197.005** issued by the department of health and senior services.

**197.050. BEGINNING JULY 1, 2018, APPLICATION FOR LICENSE, CONTENTS — FEE. UNTIL JUNE 30, 2018, APPLICATION FOR LICENSE, CONTENTS — FEE. —** Application for a license shall be made to the department of health and senior services upon forms provided by it and shall contain such information as the department of health and senior services requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder **in compliance with section 197.005**. Until June 30, 1989, each application for a license, except applications from governmental units, shall be accompanied by an annual license fee of two hundred dollars plus two dollars per bed for the first one hundred beds and one dollar per bed for each additional bed. Beginning July 1, 1989, each application for a license, except applications from governmental units, shall be accompanied by an annual license fee of two hundred fifty dollars plus three dollars per bed for the first four hundred beds and two dollars per bed for each additional bed. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.

**197.070. BEGINNING JULY 1, 2018, DENIAL, SUSPENSION OR REVOCATION OF LICENSE. UNTIL JUNE 30, 2018, DENIAL, SUSPENSION OR REVOCATION OF LICENSE. —** The department of health and senior services may deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this law **and section 197.005**.

**197.071. BEGINNING JULY 1, 2018, REVIEW BY ADMINISTRATIVE HEARING COMMISSION. UNTIL JUNE 30, 2018, REVIEW BY ADMINISTRATIVE HEARING COMMISSION.** — Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person under the provisions of sections [197.010] **197.005** to 197.120, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and 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 of health and senior services.

**197.080. BEGINNING JULY 1, 2018, RULES, PROCEDURE — REGULATIONS AND STANDARDS — REVIEW AND REVISION OF REGULATIONS — RULEMAKING AUTHORITY. UNTIL JUNE 30, 2018, RULES, PROCEDURE — REGULATIONS AND STANDARDS — REVIEW AND REVISION OF REGULATIONS — RULEMAKING AUTHORITY.** — 1. The department of health and senior services, with the advice of the state advisory council and pursuant to the provisions of this section, **section 197.005**, and chapter 536, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare. No rule or portion of a rule promulgated under the authority of sections 197.010 to 197.280 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

2. The department shall review and revise regulations governing hospital licensure and enforcement to promote hospital and regulatory efficiencies [and]. **The department shall eliminate all** duplicative regulations and inspections by or on behalf of state agencies and the Centers for Medicare and Medicaid Services (CMS). The hospital licensure regulations adopted under this [section] **chapter** shall incorporate standards which shall include, but not be limited to, the following:

(1) Each citation or finding of a regulatory deficiency shall refer to the specific written regulation, any state associated written interpretive guidance developed by the department and any publicly available, professionally recognized standards of care that are the basis of the citation or finding;

(2) Subject to appropriations, the department shall ensure that its hospital licensure regulatory standards are consistent with and do not contradict the CMS Conditions of Participation (COP) and associated interpretive guidance. However, this shall not preclude the department from enforcing standards produced by the department which exceed the federal CMS' COP and associated interpretive guidance, so long as such standards produced by the department promote a higher degree of patient safety and do not contradict the federal CMS' COP and associated interpretive guidance;

(3) The department shall establish and publish guidelines for complaint investigation, including but not limited to:

(a) The department's process for reviewing and determining which complaints warrant an on-site investigation based on a preliminary review of available information from the complainant, other appropriate sources, and when not prohibited by CMS, the hospital. For purposes of providing hospitals with information necessary to improve processes and patient care, the number and nature of complaints filed and the recommended actions by the department and, as appropriate CMS, shall be disclosed upon request to hospitals so long as the otherwise confidential identity of the complainant or the patient for whom the complaint was filed is not disclosed;

(b) A departmental investigation of a complaint shall be focused on the specific regulatory standard and departmental written interpretive guidance and publicly available professionally recognized standard of care related to the complaint. During the course of any complaint

investigation, the department shall cite any serious and immediate threat discovered that may potentially jeopardize the health and safety of patients;

(c) A hospital shall be provided with a report of all complaints made against the hospital. Such report shall include the nature of the complaint, the date of the complaint, the department conclusions regarding the complaint, the number of investigators and days of investigation resulting from each complaint;

(4) Hospitals and hospital personnel shall have the opportunity to participate in annual continuing training sessions when such training is provided to state licensure surveyors with prior approval from the department director and CMS when appropriate. Hospitals and hospital personnel shall assume all costs associated with facilitating the training sessions and use of curriculum materials, including but not limited to the location for training, food, and printing costs;

(5) Time lines for the department to provide responses to hospitals regarding the status and outcome of pending investigations and regulatory actions and questions about interpretations of regulations shall be identical to, to the extent practicable, the time lines established for the federal hospital certification and enforcement system in the CMS State Operations Manual, as amended. These time lines shall be the guide for the department to follow. Every reasonable attempt shall be made to meet the time lines. However, failure to meet the established time lines shall in no way prevent the department from performing any necessary inspections to ensure the health and safety of patients.

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 August 28, 2013, shall be invalid and void.

**197.100. BEGINNING JULY 1, 2018, INSPECTIONS BY DEPARTMENT OF HEALTH AND SENIOR SERVICES REQUIRED, REPORTS FROM CERTAIN OTHER AGENCIES ACCEPTED, WHEN — DEPARTMENT TO DETERMINE LIFE, SAFETY, AND BUILDING CODES. UNTIL JUNE 30, 2018, INSPECTIONS BY DEPARTMENT OF HEALTH AND SENIOR SERVICES REQUIRED, REPORTS FROM CERTAIN OTHER AGENCIES ACCEPTED, WHEN — DEPARTMENT TO DETERMINE LIFE, SAFETY, AND BUILDING CODES. —** 1. Any provision of chapter 198 and chapter 338 to the contrary notwithstanding, the department of health and senior services shall have sole authority, and responsibility for inspection and licensure of hospitals in this state including, but not limited to, all parts, services, functions, support functions and activities which contribute directly or indirectly to patient care of any kind whatsoever. The department of health and senior services shall annually inspect each licensed hospital and shall make any other inspections and investigations as it deems necessary for good cause shown. The department of health and senior services shall accept reports of hospital inspections from **or on behalf of** governmental agencies, the joint commission, and the American Osteopathic Association Healthcare Facilities Accreditation Program, provided the accreditation inspection was conducted within one year of the date of license renewal. Prior to granting acceptance of any other accrediting organization reports in lieu of the required licensure survey, the accrediting organization's survey process must be deemed appropriate and found to be comparable to the department's licensure survey. It shall be the accrediting organization's responsibility to provide the department any and all information necessary to determine if the accrediting organization's survey process is comparable and fully meets the intent of the licensure regulations. The department of health and senior services shall attempt to schedule inspections and evaluations required by this section so as not to cause a hospital to be subject to more than one inspection in any twelve-month period from the department of health and senior services or any agency or accreditation organization the reports

of which are accepted for licensure purposes pursuant to this section, except for good cause shown.

2. Other provisions of law to the contrary notwithstanding, the department of health and senior services shall be the only state agency to determine life safety and building codes for hospitals defined or licensed pursuant to the provisions of this chapter, including but not limited to sprinkler systems, smoke detection devices and other fire safety-related matters so long as any new standards shall apply only to new construction.

**198.053. ASSISTED LIVING FACILITIES, NOTIFICATION OF POSTING OF LATEST VACCINE INFORMATIONAL SHEET.** — No later than October first of each year, in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, each assisted living facility, as such term is defined in section 198.006, shall notify residents and staff where in the facility that the latest edition of the Vaccine Informational Sheet published by the Centers for Disease Control and Prevention has been posted. Nothing in this section shall be construed to require any assisted living facility to provide or pay for any vaccination against influenza, allow the department of health to promulgate any rules to implement this section, or cite any facility for acting in good faith to post the Vaccine Informational Sheet.

**324.003. PAYMENT OF FEES, METHOD — ELECTRONIC APPLICATION AND RENEWAL OF LICENSURE — WRITTEN OR ELECTRONIC COMMUNICATIONS TO LICENSING BOARD, WHEN.** — Notwithstanding any other provision of law or administrative rule to the contrary, the division of professional registration and its component boards, committees, offices, and commissions shall permit:

(1) Any licensee to submit payment for fees so established in the form of personal check, money order, cashier's check, credit card, or electronic check as defined by section 407.432;

(2) Any applicant or licensee to apply for licensure or renew their license in writing or electronically; and

(3) Any licensee to make requests of their license-granting board or commission for extensions of time to complete continuing education, notify their license-granting board or commission of changes to name, business name, home address, or work address, and provide any other items required as part of licensure to their licensure board in writing or electronically.

**334.010. UNAUTHORIZED PRACTICE OF MEDICINE AND SURGERY PROHIBITED — PRACTICE OF MEDICINE ACROSS STATE LINES, DEFINITION — SPORTS-RELATED MEDICAL SERVICES, INAPPLICABILITY.** — 1. It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, or engage in the practice of midwifery in this state, except as herein provided.

2. For the purposes of this chapter, the "practice of medicine across state lines" shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350.

**4. This section shall not apply to a person who holds a current, unrestricted license to practice medicine in another state when the person, under a written agreement with an athletic team located in the state in which the person is licensed, provides sports-related medical services to any of the following individuals if the team is traveling to or from, or participating in, a sporting event in this state:**

(1) A member of an athletic team;

(2) A member of an athletic team's coaching, communications, equipment, or sports medicine staff;

(3) A member of a band, dance team, or cheerleading squad accompanying an athletic team; or

(4) An athletic team's mascot.

**5. In providing sports-related medical services under subsection 4 of this section, the person shall not provide medical services at a health care facility, including a hospital, ambulatory surgical center, or any other facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis.**

**334.036. ASSISTANT PHYSICIANS — DEFINITIONS — LIMITATION ON PRACTICE — LICENSURE, RULEMAKING AUTHORITY — COLLABORATIVE PRACTICE ARRANGEMENTS. —**

1. For purposes of this section, the following terms shall mean:

(1) "Assistant physician", any medical school graduate who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination or the equivalent of such steps of any other board-approved medical licensing examination within the two-year period immediately preceding application for licensure as an assistant physician, but in no event more than three years after graduation from a medical college or osteopathic medical college;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding two-year period unless when such two-year anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language[;].

**Any medical school graduate who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;**

(2) "Assistant physician collaborative practice arrangement", an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037;

(3) "Medical school graduate", any person who has graduated from a medical college or osteopathic medical college described in section 334.031.

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state or in any pilot project areas established in which assistant physicians may practice.

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. To be eligible to practice as an assistant physician, a licensed assistant physician shall enter into an assistant physician collaborative practice arrangement within six months of his or her initial licensure and shall not have more than a six-month time period between collaborative practice arrangements during his or her licensure period. Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

**334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — SUPERVISION AGREEMENTS — DUTIES AND LIABILITY OF PHYSICIANS.** — 1. As used in sections 334.735 to 334.749, the following terms mean:

(1) "Applicant", any individual who seeks to become licensed as a physician assistant;

(2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;

(3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

(4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;

(5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;

(6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification



by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

(7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

(8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services.

(2) For a physician-physician assistant team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
  - (2) Performing physical examinations of a patient;
  - (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
  - (4) Performing routine therapeutic procedures;
  - (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
  - (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;
  - (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
  - (8) Assisting in surgery;
  - (9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and
  - (10) Physician assistants shall not perform or prescribe abortions.
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4. Physician assistants shall not prescribe [nor dispense] any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing [and dispensing] of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed [or dispensed] by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; **and**

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and

(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less].

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet or Medicaid provider while acting under a supervision agreement between the physician and physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197.

**337.010. DEFINITIONS.** — As used in sections 337.010 to 337.090 the following terms mean:

(1) "Committee", the state committee of psychologists;

(2) "Department", the department of insurance, financial institutions and professional registration;

(3) "Division", the division of professional registration;

(4) **"Internship", any supervised hours that occur during a formal internship of twelve to twenty-four months after all academic course work toward a doctorate has been completed but prior to completion of the full degree. Internship is part of successful completion of a doctorate in psychology, and a person cannot earn his or her doctorate without completion of an internship;**

(5) "Licensed psychologist", any person who offers to render psychological services to individuals, groups, organizations, institutions, corporations, schools, government agencies or the general public for a fee, monetary or otherwise, implying that such person is trained, experienced and licensed to practice psychology and who holds a current and valid, whether temporary, provisional or permanent, license in this state to practice psychology;

(6) **"Postdoctoral experiences", experiences that follow the completion of a person's doctoral degree. Such person shall not be licensed until he or she satisfies additional supervised hours. Postdoctoral experiences shall include any supervised clinical activities following the completion of the doctoral degree;**

(7) **"Predoctoral postinternship", any supervised hours that occur following completion of the internship but prior to completing the degree. Such person may continue to provide supervised clinical services even after his or her internship is completed and while still completing his or her doctoral degree requirements;**

(8) **"Preinternship", any supervised hours acquired as a student or in the course of seeking a doctorate in psychology but before the internship, which includes supervised practicum;**

[5] (9) "Provisional licensed psychologist", any person who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist except for passage of the licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025;

[(6)] (10) "Recognized educational institution":

(a) A school, college, university or other institution of higher learning in the United States, which, at the time the applicant was enrolled and graduated, had a graduate program in psychology and was accredited by one of the regional accrediting associations approved by the Council on Postsecondary Accreditation; or

(b) A school, college, university or other institution of higher learning outside the United States, which, at the time the applicant was enrolled and graduated, had a graduate program in psychology and maintained a standard of training substantially equivalent to the standards of training of those programs accredited by one of the regional accrediting associations approved by the Council of Postsecondary Accreditation;

[(7)] (11) "Temporary license", a license which is issued to a person licensed as a psychologist in another jurisdiction, who has applied for licensure in this state either by reciprocity or endorsement of the score from the Examination for Professional Practice in Psychology, and who is awaiting either a final determination by the committee relative to such person's eligibility for licensure or who is awaiting the results of the jurisprudence examination or oral examination.

**337.025. EDUCATIONAL AND EXPERIENCE REQUIREMENTS FOR LICENSURE, CERTAIN PERSONS.** — 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association or **the Canadian Psychological Association**; or

(2) A program designated or approved, including provisional approval, by the [American] Association of State **and Provincial** Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience **may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours** shall consist of:

(1) **A minimum of fifteen hundred hours of [professional] experience [obtained] in a successfully completed internship to be completed** in not less than twelve nor more than twenty-four [consecutive calendar] months; and

(2) **A minimum of two thousand hours of experience consisting of any combination of the following:**

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of [less than twenty hours per week nor] more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers **and other applicants** shall involve and relate to the delivery of psychological [health] services[. Postdoctoral supervised professional experience for other applicants shall be] in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. [Postdoctoral] Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. [Postdoctoral] Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For **postinternship and postdoctoral hours**, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

**338.010. PRACTICE OF PHARMACY DEFINED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED — ADDITIONAL REQUIREMENTS — REPORT.** — 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and

meningitis vaccines by written protocol authorized by a physician for persons twelve years of age or older as authorized by rule or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. 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. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines **by protocol** in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

**345.051. RENEWAL OF LICENSE OR REGISTRATION, WHEN — FORM, CONTENT — MAILING OF FORM, AUTHORIZED — FAILURE TO MAIL OR TO RECEIVE FORM, EFFECT ON LICENSURE OR REGISTRATION.** — 1. Every person licensed or registered pursuant to the provisions of sections 345.010 to 345.080 shall renew the license or registration on or before the renewal date. Such renewal date shall be determined by the board, **but shall be no less than three years**. The application shall be made on a form furnished by the board. The application shall include, but not be limited to, disclosure of the applicant's full name and the applicant's office and residence addresses and the date and number of the applicant's license or registration, all final disciplinary actions taken against the applicant by any speech-language-hearing association or society, state, territory or federal agency or country and information concerning the applicant's current physical and mental fitness to practice.

2. A blank form for application for license or registration renewal shall be mailed to each person licensed or registered in this state at the person's last known office or residence address.



The failure to mail the form of application or the failure to receive it does not, however, relieve any person of the duty to renew the license or registration and pay the fee required by sections 345.010 to 345.080 for failure to renew the license or registration.

3. An applicant for renewal of a license or registration under this section shall:

(1) Submit an amount established by the board; and

(2) Meet any other requirements the board establishes as conditions for license or registration renewal, including the demonstration of continued competence to practice the profession for which the license or registration is issued. A requirement of continued competence may include, but is not limited to, **up to thirty hours triennially** of continuing education, examination, self-evaluation, peer review, performance appraisal or practical simulation.

4. If a license or registration is suspended pursuant to section 345.065, the license or registration expires on the expiration date as established by the board for all licenses and registrations issued pursuant to sections 345.010 to 345.080. Such license or registration may be renewed but does not entitle the licensee to engage in the licensed or registered activity or in any other conduct or activity which violates the order of judgment by which the license or registration was suspended until such license or registration has been reinstated.

5. If a license or registration is revoked on disciplinary grounds pursuant to section 345.065, the license or registration expires on the expiration date as established by the board for all licenses and registrations issued pursuant to sections 345.010 to 345.080. Such license or registration may not be renewed. If a license or registration is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee that is equal to the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement plus any late fee established by the board.

**478.004. MEDICATION-ASSISTED TREATMENT, NOT PROHIBITED, WHEN. — 1. As used in this section, "medication-assisted treatment" means the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole patient approach to the treatment of substance use disorders.**

**2. If a drug court or veterans court participant requires treatment for opioid or other substance misuse or dependence, a drug court or veterans court shall not prohibit such participant from participating in and receiving medication-assisted treatment under the care of a physician licensed in this state to practice medicine. A drug court or veterans court participant shall not be required to refrain from using medication-assisted treatment as a term or condition of successful completion of the drug court program.**

**3. A drug court or veterans court participant assigned to a treatment program for opioid or other substance misuse or dependence shall not be in violation of the terms or conditions of the drug court or veterans court on the basis of his or her participation in medication-assisted treatment under the care of a physician licensed in this state to practice medicine.**

**487.200. MEDICATION-ASSISTED TREATMENT, NOT PROHIBITED, WHEN. — 1. As used in this section, "medication-assisted treatment" means the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole patient approach to the treatment of substance use disorders.**

**2. If a family court participant requires treatment for opioid or other substance misuse or dependence, a family court shall not prohibit such participant from participating in and receiving medication-assisted treatment under the care of a physician licensed in this state to practice medicine. A family court participant shall not be required to refrain from using medication-assisted treatment as a term or condition of successful completion of the family court program.**

**3. A family court participant assigned to a treatment program for opioid or other substance misuse or dependence shall not be in violation of the terms or conditions of the family court on the basis of his or her participation in medication-assisted treatment under the care of a physician licensed in this state to practice medicine.**

**SECTION 1. DRUG TAKE-BACK PROGRAM, BOARD AUTHORIZED TO EXPEND, ALLOCATE, OR AWARD FUNDS.** — The Missouri board of pharmacy, in consultation with the Missouri department of health and senior services, shall be authorized to expend, allocate, or award funds appropriated to the board to private or public entities to develop a drug take-back program. Such program shall collect and dispose of Schedule II and III controlled substances, as described in section 195.017.

**SECTION B. EFFECTIVE DATE.** — The enactment of section 197.005 and the repeal and reenactment of sections 197.040, 197.050, 197.070, 197.071, 197.080, and 197.100 of this act shall become effective on July 1, 2018.

Approved July 14, 2017

SB 503 [CCS SB 503]

**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 Committee for 911 Oversight to designate a state 911 coordinator**

AN ACT to repeal sections 190.103, 190.144, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof eight new sections relating to emergency services, with an emergency clause for a certain section.

**SECTION**

A. Enacting clause.

190.103. Regional EMS medical director, powers, duties — considered public official, when — online telecommunication medical direction permitted — treatment protocols for special needs patients.

190.144. Immunity from liability, when.

190.450. Department to complete study, issue plan for provision of best 911 technology and services statewide.

650.320. Definitions.

650.325. Missouri 911 service board established.

650.330. Board members, duties — department of public safety to provide staff — rulemaking authority.

650.340. 911 training and standards act.

1. Performance and fiscal audits authorized.

B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.** — Sections 190.103, 190.144, 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 190.103, 190.144, 190.450, 650.320, 650.325, 650.330, 650.340, and 1, to read as follows:

**190.103. REGIONAL EMS MEDICAL DIRECTOR, POWERS, DUTIES — CONSIDERED PUBLIC OFFICIAL, WHEN — ONLINE TELECOMMUNICATION MEDICAL DIRECTION PERMITTED — TREATMENT PROTOCOLS FOR SPECIAL NEEDS PATIENTS.** — 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. **The state EMS medical director shall be the chair of the state EMS medical director's advisory committee.**

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.

**5. Regional EMS medical directors elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.**

**6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.**

**7. Regional EMS medical directors may act to provide online telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including EMT-Bs, EMT-Is, EMT-Ps, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.**

**8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.**

**9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.**

**10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.**

**11. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.**

**190.144. IMMUNITY FROM LIABILITY, WHEN. — 1.** 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; **or**

(3) **The administration of a patient's personal medication when deemed necessary.**

**2. Nothing in this section shall be construed as creating an exception to sovereign immunity, official immunity, or the Missouri public duty doctrine defenses.**

**190.450. DEPARTMENT TO COMPLETE STUDY, ISSUE PLAN FOR PROVISION OF BEST 911 TECHNOLOGY AND SERVICES STATEWIDE. — By December 31, 2017, the department of public safety shall complete a study of the number of public safety answering points necessary to provide the best possible 911 technology and service to all areas of the state in the most efficient and economical manner possible, issue a state public safety answering point consolidation plan based on the study, and provide such plan to the Missouri 911 service board.**

**650.320. DEFINITIONS. —** For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) ["Committee"] "**Board**", the [advisory committee for] **Missouri 911 service [oversight] board** established in section 650.325;

(2) "Public safety answering point", the location at which 911 calls are [initially] answered;

(3) "Telecommunicator", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

**650.325. MISSOURI 911 SERVICE BOARD ESTABLISHED. —** There is hereby established within the department of public safety the ["Advisory Committee for 911 Service Oversight"] "**Missouri 911 Service Board**" which is charged with assisting and advising the state in ensuring the availability, implementation and enhancement of a statewide emergency telephone number common to all jurisdictions through research, planning, training, and education, **but shall have no authority over communications service providers as defined in section 190.400.** The [committee for 911 service oversight] **board** shall represent all entities and jurisdictions before appropriate policy-making authorities and the general assembly and shall strive toward the immediate access to emergency services for all citizens of this state, **including text to 911.**

**650.330. BOARD MEMBERS, DUTIES — DEPARTMENT OF PUBLIC SAFETY TO PROVIDE STAFF — RULEMAKING AUTHORITY. — 1.** The [committee for 911 service oversight] **board** shall consist of [sixteen] **fifteen** members, one of which shall be chosen from the department of public safety [who shall serve as chair of the committee and only vote in the instance of a tie vote among the other members], and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates to [counties] **municipalities**;

(2) One member chosen to represent the Missouri [public service commission] **911 Directors Association**;

(3) One member chosen to represent emergency medical services **and physicians**;

(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

(5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

(6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

(7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;

(8) [One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;

(9)] One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;

[(10)] **(9)** One member chosen to represent [911 service providers in] counties of the second, third, and fourth classification;

[(11)] **(10)** One member chosen to represent [911 service providers in] counties of the first classification, **counties** with [and without] a charter [forms] **form** of government, and cities not within a county;

[(12)] **(11)** One member chosen to represent telecommunications service providers [with at least one hundred thousand access lines located within Missouri];

[(13)] **(12)** One member chosen to represent **wireless** telecommunications service providers [with less than one hundred thousand access lines located within Missouri];

(14) One member chosen to represent a professional association of physicians who conduct with emergency care; and

(15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers; and];

**(13) One member chosen to represent voice over internet protocol service providers; and**

**(14) One member chosen to represent the governor's council on disability established under section 37.735.**

2. Each of the members of the [committee for 911 service oversight] **board** shall be appointed by the governor with the advice and consent of the senate for a term of four years; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years]. Members of the committee may serve multiple terms. **No corporation or its affiliate shall have more than one officer, employee, assign, agent, or other representative serving as a member of the board. Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28, 2017, shall continue to serve the remainder of their terms.**

3. The [committee for 911 service oversight] **board** shall meet at least quarterly at a place and time specified by the chairperson of the [committee] **board** and it shall keep and maintain records of such meetings, as well as the other activities of the [committee] **board**. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the [committee] **board**.

4. The [committee for 911 service oversight] **board** shall:

(1) Organize and adopt standards governing the [committee's] **board's** formal and informal procedures;

(2) Provide recommendations for primary answering points and secondary answering points on [statewide] technical and operational standards for 911 services;

(3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;

(4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that [such committee] **the board** shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the general assembly regarding 911 services;

(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;

(7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;

(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state, **including monitoring federal and industry standards being developed for next generation 911 systems;** [and]

(9) [Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections 650.320 to 650.340] **Designate a state 911 coordinator who shall be responsible for overseeing statewide 911 operations and ensuring compliance with federal grants for 911 funding;**

(10) **Elect the chair from its membership;**

(11) **Designate a state 911 coordinator who shall be responsible for overseeing statewide 911 operations and ensuring compliance with federal grants for 911 funding;**

(12) **Apply for and receive grants from federal, private, and other sources;**

(13) **Report to the governor and the general assembly at least every three years on the status of 911 services statewide, as well as specific efforts to improve efficiency, cost-effectiveness, and levels of service;**

(14) **Conduct and review an annual survey of public safety answering points in Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;**

(15) **Make and execute contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions; and**

(16) **Develop a plan and timeline of target dates for the testing, implementation, and operation of a next generation 911 system throughout Missouri. The next generation 911 system shall allow for the processing of electronic messages including, but not limited to, electronic messages containing text, images, video, or data.**

5. The department of public safety shall provide staff assistance to the [committee for 911 service oversight] **board** as necessary in order for the [committee] **board** to perform its duties pursuant to sections 650.320 to 650.340. **The board shall have the authority to hire consultants to administer the provisions of sections 650.320 to 650.340.**

6. The [department of public safety is authorized to adopt those] **board shall promulgate rules and regulations** that are reasonable and necessary [to accomplish the limited duties specifically delegated within section] **to implement and administer the provisions of sections 650.320 to 650.340.** Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to 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] **2017**, shall be invalid and void.

**650.340. 911 TRAINING AND STANDARDS ACT.** — 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator, 16 hours;
- (2) Fire telecommunicator, 16 hours;
- (3) Emergency medical services telecommunicator, 16 hours;
- (4) Joint communication center telecommunicator, 40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section. The reporting period for the ongoing training under this subsection shall run concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to chapter 590.

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which [are] is at least as stringent as the training requirements of subsection 2 of this section.

6. The [department of public safety] **board** shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134.

**SECTION 1. PERFORMANCE AND FISCAL AUDITS AUTHORIZED.** — **The state auditor shall have the authority to conduct performance and fiscal audits of any board, dispatch center, joint emergency communications entity, or trust fund established under section 190.327, 190.328, 190.329, 190.335, 190.420, 190.455, 190.460, or 650.325.**

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to ensure the state is eligible to receive federal 911 grants and timely application for such grants is imperative, the repeal and reenactment of section 650.330 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 650.330 of this act shall be in full force and effect upon its passage and approval.

Approved July 11, 2017

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**HCB 3** [SS HCB 3]**Modifies provisions relating to funds for vulnerable senior citizens**

AN ACT to repeal section 208.1050, RSMo, and to enact in lieu thereof one new section relating to funds for vulnerable senior citizens.

Vetoed June 30, 2017

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**HB 850** [HB 850]**Changes the law regarding military complaints against a commanding officer in the National Guard**

AN ACT to repeal section 40.435, RSMo, and to enact in lieu thereof one new section relating to military complaints against a commanding officer.

Vetoed July 14, 2017

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**HCR 19** [HCS HCR 19]**Authorizes the issuance of public bonds for half of the financing of a new conservatory building at UMKC**

AN ACT Relating to the financing of educational facilities.

Vetoed June 29, 2017

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**SB 65** [SB 65]

**Exempts vessels propelled by outboard jet motors and vessels not originally manufactured with adequate guards or railing from the provisions prohibiting passengers from riding in certain areas of a boat**

AN ACT to repeal section 306.126, RSMo, and to enact in lieu thereof one new section relating to boat passengers.

Vetoed July 14, 2017

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**SB 128** [CCS SCS#2 SB 128]

**Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime**

AN ACT to repeal sections 105.478, 144.026, 210.845, 302.441, 400.9-501, 452.370, 452.747, 454.500, 456.1-103, 456.4-414, 456.4-420, 456.8-808, 475.024, 478.463, 479.020, 479.170, 479.353, 488.029, 488.2206, 488.2250, 488.5050, 513.430, 513.440, 514.040, 515.575, 515.635, 552.020, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, 577.037, 577.060, and 595.045, RSMo, and to enact in lieu thereof sixty-eight new sections relating to judicial proceedings, with penalty provisions.

Vetoed July 14, 2017

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**HOUSE CONCURRENT RESOLUTION NO. 1 [HCR 1]**

**BE IT RESOLVED**, by the House of Representatives of the Ninety-ninth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Tuesday, January 17, 2017, to receive a message from His Excellency, the Honorable Eric Greitens, Governor of the State of Missouri; and

**BE IT FURTHER RESOLVED**, that a committee of ten from the House of Representatives be appointed by the Speaker to act with a committee of ten from the Senate, appointed by the President Pro Tempore, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-ninth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

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**HOUSE CONCURRENT RESOLUTION NO. 2 [HCR 2]**

**BE IT RESOLVED**, by the House of Representatives of the Ninety-ninth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Tuesday, January 24, 2017, 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 from the House of Representatives be appointed by the Speaker to act with a committee of ten from the Senate, appointed by the President Pro Tempore, 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-ninth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that Her Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

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**HOUSE CONCURRENT RESOLUTION NO. 4 [HCR 4]****AN ACT**

Relating to disapproving the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials.

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

**WHEREAS**, Article XIII, Section 3 of the Missouri Constitution charges the Missouri Citizens' Commission on Compensation for Elected Officials with setting the amounts of compensation paid to statewide elected officials, legislators, and judges; and

**WHEREAS**, the Constitution provides the Commission with a four-month window prior to its constitutional deadline for making salary recommendations to hold public hearings around the state to gather testimony related to salaries for affected state officials and to carefully consider whether pay increases are warranted; and

**WHEREAS**, the Missouri Citizens' Commission on Compensation for Elected Officials has recommended that the compensation for statewide elected officials be increased by eight percent over fiscal years 2018 and 2019, representing a total additional cost to the state of Missouri for the recommended salary adjustments of \$54,884 in 2018 to \$57,023 in 2019; and

**WHEREAS**, the Missouri Citizens' Commission on Compensation for Elected Officials has also recommended that the compensation for members of the General Assembly be increased by two and one-half percent for the next two years, representing a total additional cost to the state of Missouri for the recommended salary adjustments of \$176,881 in 2018 to \$181,303 in 2019; and

**WHEREAS**, the Missouri Citizens' Commission on Compensation for Elected Officials recommended that daily expense compensation for members of the General Assembly be \$150 per day of service; and

**WHEREAS**, the Missouri Citizens' Commission on Compensation for Elected Officials recommended the salary for judges to continue to be calculated under the formula currently in place over fiscal years 2018 and 2019; and

**WHEREAS**, the state has many other priorities for appropriating money in the budget that are far more important than the salary increases recommended by the commission; and

**WHEREAS**, the Commission's recommendations shall take effect unless disapproved by the General Assembly through a concurrent resolution process passed by two-thirds majorities in each legislative chamber before February 1, 2017:

**NOW THEREFORE BE IT RESOLVED** that the members of the House of Representatives of the Ninety-ninth General Assembly, First Regular Session, the Senate concurring therein, hereby disapprove the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials contained in its report of December 2016; and

**BE IT FURTHER RESOLVED** that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved January 31, 2017

**HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE CONCURRENT RESOLUTION NO. 19 [HCS HCR 19]****AN ACT**

Relating to the financing of educational facilities.

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

**WHEREAS**, section 21.527, RSMo, requires the approval of the General Assembly that certain projects to be funded by revenue bonds shall be secured by a pledge of future appropriations to be made by the General Assembly; and

**WHEREAS**, the General Assembly is desirous of approving a project for a new building to house the University of Missouri - Kansas City Conservatory of Music and Dance on the University of Missouri - Kansas City campus to be funded in part by revenue bonds secured by a pledge of future appropriations to be made by the General Assembly;

**NOW THEREFORE BE IT RESOLVED** that the members of the House of Representatives of the Ninety-ninth General Assembly, First Regular Session, the Senate concurring therein, hereby approve the following:

1. A conservatory building project and related facilities for the University of Missouri - Kansas City campus;

2. A total estimated project cost, including furnishings and equipment, of ninety-six million dollars;

3. A maximum project cost of forty-eight million dollars, provided as the state's share, to be funded, on or before July 1, 2020, by revenue bonds secured by a pledge of future appropriations to be made by the General Assembly;

4. The Health and Educational Facilities Authority of the State of Missouri (MOHEFA) shall assist the state in the issuance of revenue bonds in an amount sufficient to pay the state's share of the project cost, plus debt service reserve, capitalized interests, and costs of issuance, to be payable over a term not to exceed ten years; and

5. The remainder of the project cost to be funded by contributions, donations, grants, and other funds provided by the Curators of the University of Missouri; and

**BE IT FURTHER RESOLVED** that the members of the Missouri General Assembly state the intent of the General Assembly, during each fiscal year of the state during the term of such revenue bonds, to appropriate funds sufficient to pay the debt service on such revenue bonds; and

**BE IT FURTHER RESOLVED** that the members of the Missouri General Assembly authorize and direct the Office of Administration and such other state departments, offices, and agencies as the Office of Administration may deem necessary or appropriate to:

1. Assist the staff and advisors of the Curators of the University of Missouri in implementing the project and in issuing such revenue bonds for the state's share of the project costs; and

2. Execute and deliver documents and certificates related to such revenue bonds consistent with the terms of this resolution; and

**BE IT FURTHER RESOLVED** that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Vetoed June 29, 2017

**HOUSE CONCURRENT RESOLUTION NO. 28 [HCR 28]**

**WHEREAS**, Missouri residents with disabilities are deserving of having the same choice of where, how, and with whom they work and spend their time as other Missouri residents; and

**WHEREAS**, Missouri sheltered workshops, in partnership with business and industry, are an integral part of their local communities and their economies; and

**WHEREAS**, programs and employment offered by Missouri's sheltered workshops, through projects contracted at their facilities, supported enclaves, contracts at Missouri's rest stops, employment through AbilityOne contracts, and independent work assignments provide Missouri residents with disabilities the opportunity to meet new people, gain new skills, and earn the respect, dignity, and other ancillary human benefits that come with earning a paycheck and making a contribution to society; and

**WHEREAS**, approximately 6,000 Missouri residents with disabilities avail themselves of the opportunity to participate in these programs and related employment; and

**WHEREAS**, the parents, guardians, and caregivers of many of these participants support and attest to the benefits of these programs and the employment provided under them; and

**WHEREAS**, individuals with disabilities should be free to choose the settings in which they receive services or employment, including programs and employment offered by Missouri's sheltered workshops through projects contracted at their facilities, supported enclaves, contracts at Missouri's rest stops, employment through AbilityOne contracts, and independent work assignments:

**NOW THEREFORE BE IT RESOLVED** that the members of the House of Representatives of the Ninety-ninth General Assembly, First Regular Session, the Senate concurring therein, hereby reaffirm Missouri's support of the services of the sheltered workshops of our state.

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**HOUSE CONCURRENT RESOLUTION NO. 35 [HCR 35]**

**WHEREAS**, On January 30, 2015, Secretary Chuck Hagel established the Defense POW/MIA Accounting Agency (DPAA) with the goal to remain committed to bringing our missing and fallen heroes home; and

**WHEREAS**, DPAA has launched investigations worldwide to locate sites associated with unaccounted servicemen, including, Vietnam where 1,617 Americans remain missing; and

**WHEREAS**, the United States involvement in the Vietnam War ended with the Paris Peace Accords on January 27, 1973; and

**WHEREAS**, there are 35 Missourians who are unaccounted for, 20 of those men are classified as killed in action, body not recovered, and 15 are classified as presumptive finding of death; and

**WHEREAS**, those 15 servicemen include: First Lieutenant Steven Neil Bezold, Chief Warrant Officer 2 Donald Martin Cramer, First Lieutenant William R. Edmondson, Private First Class Dickey W. Finley, Private First Class Paul Alfred Hasenbeck, First Lieutenant Frederick William Hess Jr., Lieutenant Junior Grade Charles Weldon Marik, Major Carl D. Miller, First Lieutenant Bernard Herbert Plassmeyer, Lieutenant Colonel Dayton William Ragland, First Lieutenant Dwight G. Rickman, Captain Robert Page Rosenbach, Captain John W. Seuell, First Lieutenant George Craig Smith, and Sergeant Randolph Bothwell Suber; and

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**WHEREAS**, the families of those 15 servicemen have not had the closure of knowing what happened to their loved ones, or the option to bring their loved ones home for an honorable burial; and

**WHEREAS**, it has been 44 years since the end of the Vietnam War and 15 Missouri families have yet to be made whole again; and

**WHEREAS**, the DPAA needs to prioritize finding the 15 Missouri servicemen who are classified as presumptive finding of death and bring closure to those families:

**NOW THEREFORE BE IT RESOLVED** that the members of the House of Representatives of the Ninety-ninth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Defense POW/MIA Accounting Agency to prioritize resolving the cases of the 15 Missourians from the Vietnam War whose status is presumptive finding of death; and

**BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Defense POW/MIA Accounting Agency and each member of the Missouri congressional delegation.

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**HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE CONCURRENT RESOLUTION NO. 47 [HCS HCR 47]**

**WHEREAS**, Missouri's transportation system plays a vital part in the lives of Missouri's citizens. It is counted on to safely and reliably connect people with family, jobs and services, businesses with suppliers and customers, students with schools, and visitors with destinations; and

**WHEREAS**, among the states, Missouri has been a leader in transportation; the first interstate highway project in the United States to begin construction after the passage of the Federal-Aid Highway Act of 1956 was in Missouri; and

**WHEREAS**, there is a total of 33,884 miles of roadway within the state of Missouri, which makes the state highway system the nation's seventh largest state highway system. Missouri also ranks sixth nationally in the number of bridges with 10,394. These numbers do not include the city and county system of roads and bridges, which includes an additional 97,000 miles of county roads and city streets, and nearly 14,000 bridges; and

**WHEREAS**, Missouri's transportation infrastructure is aging; and

**WHEREAS**, the primary sources of revenue provided to the Missouri Department of Transportation to manage the state transportation system are user fees: fuel taxes, registration and licensing fees, and motor vehicle sales taxes; and

**WHEREAS**, when compared to other states, Missouri ranks 47th in the nation in revenue per mile:

**NOW THEREFORE BE IT RESOLVED** that the members of the Missouri House of Representatives, Ninety-ninth General Assembly, First Regular Session, the Senate concurring therein, hereby create the 21st Century Missouri Transportation System Task Force; and

**BE IT FURTHER RESOLVED** that the mission of the task force shall be to:

- (1) Evaluate the condition of our state transportation system, including roads and bridges;
  - (2) Evaluate current transportation funding in Missouri;
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(3) Evaluate whether current transportation funding in Missouri is sufficient to not only maintain the transportation system in its current state but also to ensure that it serves the transportation needs of Missouri's citizens as we move forward in the 21st century;

(4) Make recommendations regarding the condition of the state transportation system; and

(5) Make recommendations regarding transportation funding; and

**BE IT FURTHER RESOLVED** that the task force shall consist of the following members:

(1) Five members of the House of Representatives, with three members to be appointed by the Speaker of the House of Representatives, at least one of whom is a member of the Joint Committee on Transportation Oversight, and two members to be appointed by the Minority Leader of the House of Representatives, at least one of whom is a member of the Joint Committee on Transportation Oversight;

(2) Five members of the Senate, with three members to be appointed by the President Pro Tempore of the Senate, at least one of whom is a member of the Joint Committee on Transportation Oversight, and two members to be appointed by the Minority Leader of the Senate, at least one of whom is a member of the Joint Committee on Transportation Oversight;

(3) The Governor or his or her designee;

(4) The Director of the Department of Transportation or his or her designee;

(5) The Director of the Department of Economic Development or his or her designee;

(6) The Superintendent of the State Highway Patrol or his or her designee; and

(7) Nine Missouri residents or representatives from non-governmental organizations within Missouri, two of whom shall be appointed by the Speaker of the House of Representatives, one of whom shall be appointed by the Minority Leader of the House of Representatives, two of whom shall be appointed by the President Pro Tempore of the Senate, one of whom shall be appointed by the Minority Leader of the Senate, and three of whom shall be appointed by the Governor; and

**BE IT FURTHER RESOLVED** that the Speaker of the House of Representatives shall designate the chair of the task force and the President Pro Tempore of the Senate shall designate the vice chair of the task force; and

**BE IT FURTHER RESOLVED** that the staffs of House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the task force may require in the performance of its duties; and

**BE IT FURTHER RESOLVED** that the task force, its members, and any staff assigned to the task force shall receive reimbursement for actual and necessary expenses incurred in attending meetings of the task force or any subcommittee thereof; and

**BE IT FURTHER RESOLVED** that the task force shall meet within two months from adoption of this resolution; and

**BE IT FURTHER RESOLVED** that the 21st Century Missouri Transportation System Task Force shall report a summary of its activities and any recommendations for legislation to the General Assembly by January 1, 2018; and

**BE IT FURTHER RESOLVED** that the task force is authorized to function during the legislative interim of both the first and second regular sessions of the Ninety-ninth General Assembly, as authorized by *State v. Atterbury*, 300 S.W.2d 806 (Mo. 1957); and

**BE IT FURTHER RESOLVED** that the task force shall terminate on January 1, 2019; and



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**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 the Governor, the Director of the Department of Transportation, the Director of the Department of Economic Development, and the Superintendent of the State Highway Patrol.

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**SENATE CONCURRENT RESOLUTION NO. 1 [SCR 1]**

**BE IT RESOLVED** by the Senate, the House of Representatives concurring therein, that the President Pro Tem of the Senate and the Speaker of the House appoint a committee of thirty-six members, one-half from the Senate and one-half from the House to cooperate in making all necessary plans and arrangements for the participation of the General Assembly in the inauguration of the executive officials of the State of Missouri on January 9, 2017; and

**BE IT FURTHER RESOLVED** that the joint committee be authorized to cooperate with any other committees, officials or persons planning and executing the inaugural ceremonies keeping with the traditions of the great State of Missouri.

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**SENATE CONCURRENT RESOLUTION NO. 4 [SCR 4]**

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

**Whereas**, the Founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

**Whereas**, the federal government has created a crushing national debt through improper and imprudent spending; and

**Whereas**, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

**Whereas**, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

**Whereas**, it is the solemn duty of the states to protect the liberty of our people - particularly for the generations to come - to propose amendments to the United States Constitution through a convention of states under Article V to place clear restraints on these and related abuses of power:

**Now, Therefore, Be It Resolved** by the members of the Missouri Senate, Ninety-ninth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby apply to Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress; and

**BE IT FURTHER RESOLVED** that the General Assembly adopts this application with the following understandings (as the term "understandings" is used within the context of "reservations, understandings, and declarations"):

(1) An application to Congress for an Article V convention confers no power on Congress other than to perform a ministerial function to "call" for a convention;

(2) This ministerial duty shall be performed by Congress only when Article V applications for substantially the same purpose are received from two-thirds of the legislatures of the several states;

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(3) The power of Congress to “call” a convention solely consists of the authority to name a reasonable time and place for the initial meeting of the convention;

(4) Congress possesses no power whatsoever to name delegates to the convention, as this power remains exclusively within the authority of the legislatures of the several states;

(5) Congress possesses no power to set the number of delegates to be sent by any states;

(6) Congress possesses no power whatsoever to determine any rules for such convention;

(7) By definition, a Convention of States means that states vote on the basis of one state, one vote;

(8) A Convention of States convened pursuant to this application is limited to consideration of topics specified herein and no other;

(9) The General Assembly of Missouri may recall its delegates at any time for breach of their duties or violations of their instructions;

(10) Pursuant to the text of Article V, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The General Assembly of Missouri recommends that Congress specify its choice on ratification methodology contemporaneously with the call for the convention;

(11) Congress possesses no power whatsoever with regard to the Article V convention beyond the two powers acknowledged herein;

(12) Missouri places express reliance on prior legal and judicial determinations that Congress possesses no power under Article I relative to the Article V process, and that Congress must act only as expressly specified in Article V; and

**BE IT FURTHER RESOLVED** that this application shall expire five (5) years after the passage of this resolution; and

**Be It Further Resolved** that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

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#### SENATE CONCURRENT RESOLUTION NO. 26 [SCR 26]

**WHEREAS**, Section 29.351 of the Revised Statutes of Missouri provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor’s office:

**NOW THEREFORE BE IT RESOLVED** that the members of the Missouri Senate, Ninety-ninth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 29.351; and

**BE IT FURTHER RESOLVED** that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and

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performance of the accounts, functions, programs, and management of the State Auditor's Office; and

**BE IT FURTHER RESOLVED** that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

**BE IT FURTHER RESOLVED** that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

**BE IT FURTHER RESOLVED** that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

**BE IT FURTHER RESOLVED** that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

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**LAWS PASSED**  
**DURING THE**  
**NINETY-NINTH**  
**GENERAL ASSEMBLY,**  
**FIRST EXTRAORDINARY SESSION**

**Convened Monday, May 22, 2017.**  
**Adjourned Sine Die**  
**Monday, June 5, 2017.**

Veto Session held September 13, 2017.

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HB 1 [HCS HB 1]

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

**Gives the public service commission authority to approve certain special utility rates for an aluminum smelting facility or a steel works facility under certain circumstances**

AN ACT to amend chapter 393, RSMo, by adding thereto two new sections relating to ratemaking for public utilities, with an emergency clause.

SECTION

- A. Enacting clause.
- 393.355. Special rate for electrical corporations authorized, when—net margin tracking mechanism—lower rate for facility, when, duration.
- 393.356. No modification or elimination of special rate under section 393.355.
- B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.**—Chapter 393, RSMo, is amended by adding thereto two new sections, to be known as sections 393.355 and 393.356, to read as follows:

**393.355. SPECIAL RATE FOR ELECTRICAL CORPORATIONS AUTHORIZED, WHEN—NET MARGIN TRACKING MECHANISM—LOWER RATE FOR FACILITY, WHEN, DURATION. — 1.** As used in this section, the following terms shall mean:

(1) "Electrical corporation", the same meaning given to the term in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110;

(2) "Facility", a:

(a) Facility whose primary industry is the smelting of aluminum and primary metals, Standard Industrial Classification Code 3334;

(b) Facility whose primary industry is the production or fabrication of steel, North American Industrial Classification System 331110; or

(c) Facility with a new or incremental increase in load equal to or in excess of a monthly demand of fifty megawatts.

2. Notwithstanding section 393.130 or any other provision of law to the contrary, the public service commission shall have the authority to approve a special rate, outside a general rate proceeding, that is not based on the electrical corporation's cost of service for a facility if:

(1) The commission determines, but for the authorization of the special rate the facility would not commence operations, the special rate is in the interest of the state of Missouri when considering the interests of the customers of the electrical corporation serving the facility, considering the incremental cost of serving the facility to receive the special rate, and the interests of the citizens of the state generally in promoting economic development, improving the tax base, providing employment opportunities in the state, and promoting such other benefits to the state as the commission may determine are created by approval of the special rate;

(2) After approval of the special rate, the commission allocates in each general rate proceeding of the electrical corporation serving the facility the reduced revenues from the special rate as compared to the revenues that would have been generated at the rate the facility would have paid without the special rate to the electrical corporation's other customers through a uniform percentage adjustment to all components of the base rates of all customer classes; and

(3) The commission approves a tracking mechanism meeting the requirements of subsection 3 of this section.

3. Any commission order approving a special rate authorized by this section to provide service to a facility in the manner specified under subsection 4 of this section shall establish, as part of the commission's approval of a special rate, a tracking mechanism to track changes in the net margin experienced by the electrical corporation serving the facility with the tracker to apply retroactively to the date the electrical corporation's base rates were last set in its last general rate proceeding concluded prior to the effective date of this section. The commission shall ensure that the changes in net margin experienced by the electrical corporation between the general rate proceedings as a result of serving the facility are calculated in such a manner that the electrical corporation's net income is neither increased nor decreased. The changes in net margin shall be deferred to a regulatory liability or regulatory asset, as applicable, with the balance of such regulatory asset or liability to be included in the revenue requirement of the electrical corporation in each of its general rate proceedings through an amortization of the balance over a reasonable period until fully returned to or collected from the electrical corporation's customers.

4. Notwithstanding the provisions of section 393.170, an electrical corporation is authorized to provide electric service to a facility at a special rate for the new or incremental load authorized by the commission:

- (1) Under a rate schedule reflecting the special rate approved by the commission; or
- (2) If the facility is located outside the electrical corporation's certificated service territory, the facility shall be treated as if it is in the electrical corporation's certified service territory, subject to a commission-approved rate schedule incorporating the special rate under the contract.

5. To receive a special rate, the electrical corporation serving the facility, or facility if the facility is located outside of the electrical corporation's certified service territory, shall file a written application with the commission specifying the requested special rate and any terms or conditions proposed by the facility respecting the requested special rate and provide information regarding how the requested special rate meets the criteria specified in subdivision (1) of subsection 2 of this section. A special rate provided for by this section shall be effective for no longer than ten years from the date such special rate is authorized. The commission may impose such conditions, including but not limited to any conditions in a memorandum of understanding between the facility and the electrical corporation, on the special rate as it deems appropriate so long as it otherwise complies with the provisions of this section.

6. Any entity which has been granted a special rate under this section may reapply to the commission for a special rate under this section.

**393.356. NO MODIFICATION OR ELIMINATION OF SPECIAL RATE UNDER SECTION 393.355.** — If the commission approves a special rate under section 393.355, the commission shall lack the authority to modify or eliminate any such rate during the specified term subject to conditions established under section 393.355.

**SECTION B. EMERGENCY CLAUSE.** — Because economic development is vital for the continued success of the Missouri economy, 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 this act shall be in full force and effect upon its passage and approval.

Approved June 14, 2017

**LAWS PASSED**  
**DURING THE**  
**NINETY-NINTH**  
**GENERAL ASSEMBLY,**  
**SECOND EXTRAORDINARY SESSION**

**Convened Monday, June 12, 2017.**  
**Adjourned Sine Die**  
**Wednesday July 26, 2017.**

Veto Session held September 13, 2017.

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## SB 5 [HCS SS SB 5]

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

**Modifies several provisions relating to abortion**

AN ACT to repeal sections 188.021, 188.027, 188.030, 188.039, 188.047, 188.075, 192.665, 192.667, 197.150, 197.152, 197.158, 197.160, 197.162, 197.165, 197.200, 197.205, 197.215, 197.220, 197.225, 197.230, 197.235, 197.240, 197.285, 197.287, 197.289, 197.293, 197.295, and 595.027, RSMo, and to enact in lieu thereof thirty-one new sections relating to abortions, with penalty provisions.

## SECTION

- A. Enacting clause.
- 188.021. RU-486, administration of, requirements.
- 188.027. Consent, voluntary and informed, required — procedure, contents — information to be presented in person — alleviation of pain, requirements — medical emergency, procedure — payment prohibited, when — written materials required, when — emergency rules authorized — waiting period restrained or enjoined, effect of.
- 188.030. Abortion of viable unborn child prohibited, exceptions — physician duties — violations, penalty — severability — right of intervention, when.
- 188.039. Seventy-two hour waiting period for abortions required — medical emergency exception, definition — informed consent requirements — department to provide model consent forms — waiting period restrained or enjoined, effect of.
- 188.047. Tissue sample authorized — pathologist to file report, copies furnished.
- 188.075. Violation of sections 188.010 to 188.085 a class A misdemeanor — affirmative defense.
- 188.125. Not Found
- 188.160. Not Found
- 192.665. Definitions.
- 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.
- 197.150. Procedures for compliance, requirements.
- 197.152. Protection for reporting infection control concerns, reporting required — authority of infection control officers, review of orders — good faith reporting of infection control concerns protected.
- 197.158. Complaint procedure to be provided to patients.
- 197.160. Infection data to be available to department of health and senior services, violation, effect, state payments suspended, when.
- 197.162. Infection control practices to be considered in licensure process, annual report required.
- 197.165. Infection control advisory panel appointed — members — expenses, fund created.
- 197.200. Definitions.
- 197.205. License required to operate.
- 197.215. License to issue, when — transfer or assignment of license, when — display required.
- 197.220. Denial, suspension or revocation of license.
- 197.225. Department of health and senior services may promulgate regulations.
- 197.230. Department may inspect and investigate — delegation of such authority authorized, when.
- 197.235. Failure to have license a misdemeanor — attorney general to act for department — advertising, cannot imply state operation, fine.
- 197.240. Accident and health insurers to cover care in an ambulatory surgical center, exceptions.
- 197.285. Protections for hospital and ambulatory surgical center employees for certain disclosures — written policy required — procedures for disclosure — anonymous reports.
- 197.287. Training programs related to quality of patient care and safety required — standards developed by department of health and senior services.
- 197.289. Adequate nurse staffing, methodology required, minimum requirements.
- 197.293. Licensure regulations, standards used by the department of health and senior services for enforcement.
- 197.295. Licensure enforcement, appeals, procedure.
- 574.200. Not Found
- 595.027. Medical providers to submit information, when, penalty — medical providers, defined.
- B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.** — Sections 188.021, 188.027, 188.030, 188.039, 188.047, 188.075, 192.665, 192.667, 197.150, 197.152, 197.158, 197.160, 197.162, 197.165, 197.200, 197.205, 197.215, 197.220, 197.225, 197.230, 197.235, 197.240, 197.285, 197.287, 197.289, 197.293, 197.295, and 595.027, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 188.021, 188.027, 188.030, 188.039, 188.047, 188.075, 188.125, 188.160, 192.665, 192.667, 197.150, 197.152, 197.158, 197.160, 197.162, 197.165, 197.200, 197.205, 197.215, 197.220, 197.225, 197.230, 197.235, 197.240, 197.285, 197.287, 197.289, 197.293, 197.295, 574.200, and 595.027, to read as follows:

**188.021. RU-486, ADMINISTRATION OF, REQUIREMENTS.** — **1.** When RU-486 (mifepristone) or any drug or chemical is used for the purpose of inducing an abortion, the initial dose of the drug or chemical shall be administered in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug or chemical to the patient. The physician inducing the abortion, or a person acting on such physician's behalf, shall make all reasonable efforts to ensure that the patient returns after the administration or use of RU-486 or any drug or chemical for a follow-up visit unless such termination of the pregnancy has already been confirmed and the patient's medical condition has been assessed by a licensed physician prior to discharge.

**2.** When the Food and Drug Administration label of any drug or chemical used for the purpose of inducing an abortion includes any clinical study in which more than one percent of those administered the drug or chemical required surgical intervention after its administration, no physician may prescribe or administer such drug or chemical to any patient without first obtaining approval from the department of health and senior services of a complication plan from the physician for administration of the drug or chemical to any patient. The complication plan shall include any information deemed necessary by the department to ensure the safety of any patient suffering complications as a result of the administration of the drug or chemical in question. No complication plan shall be required where the patient is administered the drug in a medical emergency at a hospital and is then treated as an inpatient at a hospital under medical monitoring by the hospital until the abortion is completed.

**3.** The department may adopt rules, regulations, and standards governing complication plans to ensure that patients undergoing abortions induced by drugs or chemicals have access to safe and reliable care. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

**188.027. CONSENT, VOLUNTARY AND INFORMED, REQUIRED—PROCEDURE, CONTENTS — INFORMATION TO BE PRESENTED IN PERSON — ALLEVIATION OF PAIN, REQUIREMENTS — MEDICAL EMERGENCY, PROCEDURE — PAYMENT PROHIBITED, WHEN — WRITTEN MATERIALS REQUIRED, WHEN — EMERGENCY RULES AUTHORIZED — WAITING PERIOD RESTRAINED OR ENJOINED, EFFECT OF.** — **1.** Except in the case of medical emergency, no abortion shall be performed or induced on a woman without her voluntary and informed consent, given freely and without coercion. Consent to an abortion is voluntary and informed and given freely and without coercion if, and only if, at least seventy-two hours prior to the abortion:

(1) The physician who is to perform or induce the abortion [or], a qualified professional, **or the referring physician** has informed the woman orally, reduced to writing, and in person, of the following:

- (a) The name of the physician who will perform or induce the abortion;
- (b) Medically accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion, including:
  - a. A description of the proposed abortion method;
  - b. The immediate and long-term medical risks to the woman associated with the proposed abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and possible adverse psychological effects associated with the abortion; and
  - c. The immediate and long-term medical risks to the woman, in light of the anesthesia and medication that is to be administered, the unborn child's gestational age, and the woman's medical history and medical condition;
- (c) Alternatives to the abortion which shall include making the woman aware that information and materials shall be provided to her detailing such alternatives to the abortion;
- (d) A statement that the physician performing or inducing the abortion is available for any questions concerning the abortion, together with the telephone number that the physician may be later reached to answer any questions that the woman may have;
- (e) The location of the hospital that offers obstetrical or gynecological care located within thirty miles of the location where the abortion is performed or induced and at which the physician performing or inducing the abortion has clinical privileges and where the woman may receive follow-up care by the physician if complications arise;
- (f) The gestational age of the unborn child at the time the abortion is to be performed or induced; and
- (g) The anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed or induced;

(2) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department, which describe the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from conception to full term, including color photographs or images of the developing unborn child at two-week gestational increments. Such descriptions shall include information about brain and heart functions, the presence of external members and internal organs during the applicable stages of development and information on when the unborn child is viable. The printed materials shall prominently display the following statement: "The life of each human being begins at conception. Abortion will terminate the life of a separate, unique, living human being.";

(3) The physician who is to perform or induce the abortion [or], a qualified professional, **or the referring physician** has presented the woman, in person, printed materials provided by the department, which describe the various surgical and drug-induced methods of abortion relevant to the stage of pregnancy, as well as the immediate and long-term medical risks commonly associated with each abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and the possible adverse psychological effects associated with an abortion;

(4) The physician who is to perform or induce the abortion or a qualified professional shall provide the woman with the opportunity to view at least seventy-two hours prior to the abortion an active ultrasound of the unborn child and hear the heartbeat of the unborn child if the heartbeat is audible. The woman shall be provided with a geographically indexed list maintained by the department of health care providers, facilities, and clinics that perform ultrasounds, including those that offer ultrasound services free of charge. Such materials shall provide contact information for each provider, facility, or clinic including telephone numbers and, if available,

website addresses. Should the woman decide to obtain an ultrasound from a provider, facility, or clinic other than the abortion facility, the woman shall be offered a reasonable time to obtain the ultrasound examination before the date and time set for performing or inducing an abortion. The person conducting the ultrasound shall ensure that the active ultrasound image is of a quality consistent with standard medical practice in the community, contains the dimensions of the unborn child, and accurately portrays the presence of external members and internal organs, if present or viewable, of the unborn child. The auscultation of fetal heart tone must also be of a quality consistent with standard medical practice in the community. If the woman chooses to view the ultrasound or hear the heartbeat or both at the abortion facility, the viewing or hearing or both shall be provided to her at the abortion facility at least seventy-two hours prior to the abortion being performed or induced;

(5) Prior to an abortion being performed or induced on an unborn child of twenty-two weeks gestational age or older, the physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department that offer information on the possibility of the abortion causing pain to the unborn child. This information shall include, but need not be limited to, the following:

(a) At least by twenty-two weeks of gestational age, the unborn child possesses all the anatomical structures, including pain receptors, spinal cord, nerve tracts, thalamus, and cortex, that are necessary in order to feel pain;

(b) A description of the actual steps in the abortion procedure to be performed or induced, and at which steps the abortion procedure could be painful to the unborn child;

(c) There is evidence that by twenty-two weeks of gestational age, unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted as a response to pain;

(d) Anesthesia is given to unborn children who are twenty-two weeks or more gestational age who undergo prenatal surgery;

(e) Anesthesia is given to premature children who are twenty-two weeks or more gestational age who undergo surgery;

(f) Anesthesia or an analgesic is available in order to minimize or alleviate the pain to the unborn child;

(6) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department explaining to the woman alternatives to abortion she may wish to consider. Such materials shall:

(a) Identify on a geographical basis public and private agencies available to assist a woman in carrying her unborn child to term, and to assist her in caring for her dependent child or placing her child for adoption, including agencies commonly known and generally referred to as pregnancy resource centers, crisis pregnancy centers, maternity homes, and adoption agencies. Such materials shall provide a comprehensive list by geographical area of the agencies, a description of the services they offer, and the telephone numbers and addresses of the agencies; provided that such materials shall not include any programs, services, organizations, or affiliates of organizations that perform or induce, or assist in the performing or inducing of, abortions or that refer for abortions;

(b) Explain the Missouri alternatives to abortion services program under section 188.325, and any other programs and services available to pregnant women and mothers of newborn children offered by public or private agencies which assist a woman in carrying her unborn child to term and assist her in caring for her dependent child or placing her child for adoption, including but not limited to prenatal care; maternal health care; newborn or infant care; mental health services; professional counseling services; housing programs; utility assistance; transportation services; food, clothing, and supplies related to pregnancy; parenting skills; educational programs; job training and placement services; drug and alcohol testing and treatment; and adoption assistance;



(c) Identify the state website for the Missouri alternatives to abortion services program under section 188.325, and any toll-free number established by the state operated in conjunction with the program;

(d) Prominently display the statement: "There are public and private agencies willing and able to help you carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or place him or her for adoption. The state of Missouri encourages you to contact those agencies before making a final decision about abortion. State law requires that your physician or a qualified professional give you the opportunity to call agencies like these before you undergo an abortion.";

(7) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department explaining that the father of the unborn child is liable to assist in the support of the child, even in instances where he has offered to pay for the abortion. Such materials shall include information on the legal duties and support obligations of the father of a child, including, but not limited to, child support payments, and the fact that paternity may be established by the father's name on a birth certificate or statement of paternity, or by court action. Such printed materials shall also state that more information concerning paternity establishment and child support services and enforcement may be obtained by calling the family support division within the Missouri department of social services; and

(8) The physician who is to perform or induce the abortion or a qualified professional shall inform the woman that she is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled.

2. All information required to be provided to a woman considering abortion by subsection 1 of this section shall be presented to the woman individually, in the physical presence of the woman and in a private room, to protect her privacy, to maintain the confidentiality of her decision, to ensure that the information focuses on her individual circumstances, to ensure she has an adequate opportunity to ask questions, and to ensure that she is not a victim of coerced abortion. Should a woman be unable to read materials provided to her, they shall be read to her. Should a woman need an interpreter to understand the information presented in the written materials, an interpreter shall be provided to her. Should a woman ask questions concerning any of the information or materials, answers shall be provided in a language she can understand.

3. No abortion shall be performed or induced unless and until the woman upon whom the abortion is to be performed or induced certifies in writing on a checklist form provided by the department that she has been presented all the information required in subsection 1 of this section, that she has been provided the opportunity to view an active ultrasound image of the unborn child and hear the heartbeat of the unborn child if it is audible, and that she further certifies that she gives her voluntary and informed consent, freely and without coercion, to the abortion procedure.

4. No abortion shall be performed or induced on an unborn child of twenty-two weeks gestational age or older unless and until the woman upon whom the abortion is to be performed or induced has been provided the opportunity to choose to have an anesthetic or analgesic administered to eliminate or alleviate pain to the unborn child caused by the particular method of abortion to be performed or induced. The administration of anesthesia or analgesics shall be performed in a manner consistent with standard medical practice in the community.

5. No physician shall perform or induce an abortion unless and until the physician has obtained from the woman her voluntary and informed consent given freely and without coercion. If the physician has reason to believe that the woman is being coerced into having an abortion, the physician or qualified professional shall inform the woman that services are available for her and shall provide her with private access to a telephone and information about such services, including but not limited to the following:

(1) Rape crisis centers, as defined in section 455.003;

- (2) Shelters for victims of domestic violence, as defined in section 455.200; and
- (3) Orders of protection, pursuant to chapter 455.

**6. The physician who is to perform or induce the abortion shall, at least seventy-two hours prior to such procedure, inform the woman orally and in person of:**

**(1) The immediate and long-term medical risks to the woman associated with the proposed abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and possible adverse psychological effects associated with the abortion; and**

**(2) The immediate and long-term medical risks to the woman, in light of the anesthesia and medication that is to be administered, the unborn child's gestational age, and the woman's medical history and medical conditions.**

7. No physician shall perform or induce an abortion unless and until the physician has received and signed a copy of the form prescribed in subsection 3 of this section. The physician shall retain a copy of the form in the patient's medical record.

8. In the event of a medical emergency as provided by section 188.039, the physician who performed or induced the abortion shall clearly certify in writing the nature and circumstances of the medical emergency. This certification shall be signed by the physician who performed or induced the abortion, and shall be maintained under section 188.060.

9. No person or entity shall require, obtain, or accept payment for an abortion from or on behalf of a patient until at least seventy-two hours have passed since the time that the information required by subsection 1 of this section has been provided to the patient. Nothing in this subsection shall prohibit a person or entity from notifying the patient that payment for the abortion will be required after the seventy-two-hour period has expired if she voluntarily chooses to have the abortion.

10. The term "qualified professional" as used in this section shall refer to a physician, physician assistant, registered nurse, licensed practical nurse, psychologist, licensed professional counselor, or licensed social worker, licensed or registered under chapter 334, 335, or 337, acting under the supervision of the physician performing or inducing the abortion, and acting within the course and scope of his or her authority provided by law. The provisions of this section shall not be construed to in any way expand the authority otherwise provided by law relating to the licensure, registration, or scope of practice of any such qualified professional.

11. By November 30, 2010, the department shall produce the written materials and forms described in this section. Any written materials produced shall be printed in a typeface large enough to be clearly legible. All information shall be presented in an objective, unbiased manner designed to convey only accurate scientific and medical information. The department shall furnish the written materials and forms at no cost and in sufficient quantity to any person who performs or induces abortions, or to any hospital or facility that provides abortions. The department shall make all information required by subsection 1 of this section available to the public through its department website. The department shall maintain a toll-free, twenty-four-hour hotline telephone number where a caller can obtain information on a regional basis concerning the agencies and services described in subsection 1 of this section. No identifying information regarding persons who use the website shall be collected or maintained. The department shall monitor the website on a regular basis to prevent tampering and correct any operational deficiencies.

12. In order to preserve the compelling interest of the state to ensure that the choice to consent to an abortion is voluntary and informed, and given freely and without coercion, the department shall use the procedures for adoption of emergency rules under section 536.025 in order to promulgate all necessary rules, forms, and other necessary material to implement this section by November 30, 2010.

13. If the provisions in subsections 1 and [8] 9 of this section requiring a seventy-two-hour waiting period for an abortion are ever temporarily or permanently restrained or enjoined by

judicial order, then the waiting period for an abortion shall be twenty-four hours; provided, however, that if such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, the waiting period for an abortion shall be seventy-two hours.

**188.030. ABORTION OF VIABLE UNBORN CHILD PROHIBITED, EXCEPTIONS — PHYSICIAN DUTIES — VIOLATIONS, PENALTY — SEVERABILITY — RIGHT OF INTERVENTION, WHEN. —**

1. Except in the case of a medical emergency, no abortion of a viable unborn child shall be performed or induced unless the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. For purposes of this section, "major bodily function" includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

2. Except in the case of a medical emergency:

(1) Prior to performing or inducing an abortion upon a woman, the physician shall determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards. In making such determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations, imaging studies, and tests as a reasonably prudent physician, knowledgeable about the medical facts and conditions of both the woman and the unborn child involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age;

(2) If the physician determines that the gestational age of the unborn child is twenty weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall determine if the unborn child is viable by using and exercising that degree of care, skill, and proficiency commonly exercised by a skillful, careful, and prudent physician. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and shall enter such findings and determination of viability in the medical record of the woman;

(3) If the physician determines that the gestational age of the unborn child is twenty weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the department under section 188.052;

(4) (a) If the physician determines that the unborn child is viable, the physician shall not perform or induce an abortion upon the woman unless the abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the woman.

(b) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician shall first certify in writing the medical threat posed to the life of the pregnant woman, or the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. Upon completion of the abortion, the physician shall report the reasons and determinations for the abortion of a viable unborn child to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and

determinations in the medical record of the woman and in the individual abortion report submitted to the department under section 188.052.

(c) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician who is to perform the abortion shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. This second physician shall also report such reasons and determinations to the health care facility in which the abortion is to be performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and the individual abortion report submitted to the department under section 188.052. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion, except that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having staff privileges at the same hospital as the term "hospital" is defined in section 197.020.

(d) Any physician who performs or induces an abortion upon a woman when it has been determined that the unborn child is viable shall utilize the available method or technique of abortion most likely to preserve the life or health of the unborn child. In cases where the method or technique of abortion most likely to preserve the life or health of the unborn child would present a greater risk to the life or health of the woman than another legally permitted and available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs an abortion upon a viable unborn child, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.

(e) No physician shall perform or induce an abortion upon a woman when it has been determined that the unborn child is viable unless there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion. During the performance of the abortion, the physician performing it, and subsequent to the abortion, the physician required to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life or health of the viable unborn child; provided that it does not pose an increased risk to the life of the woman or does not pose an increased risk of substantial and irreversible physical impairment of a major bodily function of the woman.

3. Any person who knowingly performs or induces an abortion of an unborn child in violation of the provisions of this section is guilty of a class D felony, and, upon a finding of guilt or plea of guilty, shall be imprisoned for a term of not less than one year, and, notwithstanding the provisions of section 558.002, shall be fined not less than ten thousand nor more than fifty thousand dollars.

4. Any physician who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of this section shall be subject to suspension or revocation of his or her license to practice medicine in the state of Missouri by the state board of registration for the healing arts under the provisions of sections 334.100 and 334.103.

5. Any hospital licensed in the state of Missouri that knowingly allows an abortion of an unborn child to be performed or induced in violation of this section may be subject to suspension or revocation of its license under the provisions of section 197.070.

6. Any [ambulatory surgical center] **abortion facility** licensed in the state of Missouri that knowingly allows an abortion of an unborn child to be performed or induced in violation of this section may be subject to suspension or revocation of its license under the provisions of section 197.220.

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7. A woman upon whom an abortion is performed or induced in violation of this section shall not be prosecuted for a conspiracy to violate the provisions of this section.

8. Nothing in this section shall be construed as creating or recognizing a right to abortion, nor is it the intention of this section to make lawful any abortion that is currently unlawful.

9. It is the intent of the legislature that this section be severable as noted in section 1.140. In the event that any section, subsection, subdivision, paragraph, sentence, or clause of this section be declared invalid under the Constitution of the United States or the Constitution of the State of Missouri, it is the intent of the legislature that the remaining provisions of this section remain in force and effect as far as capable of being carried into execution as intended by the legislature.

10. The general assembly may, by concurrent resolution, appoint one or more of its members who sponsored or co-sponsored this act in his or her official capacity to intervene as a matter of right in any case in which the constitutionality of this law is challenged.

**188.039. SEVENTY-TWO HOUR WAITING PERIOD FOR ABORTIONS REQUIRED — MEDICAL EMERGENCY EXCEPTION, DEFINITION — INFORMED CONSENT REQUIREMENTS — DEPARTMENT TO PROVIDE MODEL CONSENT FORMS — WAITING PERIOD RESTRAINED OR ENJOINED, EFFECT OF. — 1.** For purposes of this section, "medical emergency" means a condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

2. Except in the case of medical emergency, no person shall perform or induce an abortion unless at least seventy-two hours prior thereto the physician who is to perform or induce the abortion [or], a qualified professional, **or the referring physician** has conferred with the patient and discussed with her the indicators and contraindicators, and risk factors including any physical, psychological, or situational factors for the proposed procedure and the use of medications, including but not limited to mifepristone, in light of her medical history and medical condition. For an abortion performed or an abortion induced by a drug or drugs, such conference shall take place at least seventy-two hours prior to the writing or communication of the first prescription for such drug or drugs in connection with inducing an abortion. Only one such conference shall be required for each abortion.

3. The patient shall be evaluated by the physician who is to perform or induce the abortion [or], a qualified professional, **or the referring physician** during the conference for indicators and contraindicators, risk factors including any physical, psychological, or situational factors which would predispose the patient to or increase the risk of experiencing one or more adverse physical, emotional, or other health reactions to the proposed procedure or drug or drugs in either the short or long term as compared with women who do not possess such risk factors.

4. At the end of the conference, and if the woman chooses to proceed with the abortion, the physician who is to perform or induce the abortion [or], a qualified professional, **or the referring physician** shall sign and shall cause the patient to sign a written statement that the woman gave her informed consent freely and without coercion after the physician or qualified professional had discussed with her the indicators and contraindicators, and risk factors, including any physical, psychological, or situational factors. All such executed statements shall be maintained as part of the patient's medical file, subject to the confidentiality laws and rules of this state.

5. The director of the department of health and senior services shall disseminate a model form that physicians or qualified professionals may use as the written statement required by this section, but any lack or unavailability of such a model form shall not affect the duties of the physician or qualified professional set forth in subsections 2 to 4 of this section.

6. As used in this section, the term "qualified professional" shall refer to a physician, physician assistant, registered nurse, licensed practical nurse, psychologist, licensed professional

counselor, or licensed social worker, licensed or registered under chapter 334, 335, or 337, acting under the supervision of the physician performing or inducing the abortion, and acting within the course and scope of his or her authority provided by law. The provisions of this section shall not be construed to in any way expand the authority otherwise provided by law relating to the licensure, registration, or scope of practice of any such qualified professional.

7. If the provisions in subsection 2 of this section requiring a seventy-two-hour waiting period for an abortion are ever temporarily or permanently restrained or enjoined by judicial order, then the waiting period for an abortion shall be twenty-four hours; provided, however, that if such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, the waiting period for an abortion shall be seventy-two hours.

**188.047. TISSUE SAMPLE AUTHORIZED — PATHOLOGIST TO FILE REPORT, COPIES FURNISHED.** — [ A representative sample of] **1. All tissue, except that tissue needed for purposes described in subsection 5 of this section,** removed at the time of abortion shall be submitted **within five days** to a board eligible or certified pathologist[, who] **for gross and histopathological examination. The pathologist** shall file a copy of the tissue report with the state department of health and senior services, and [who] shall provide **within seventy-two hours** a copy of the report to the abortion facility or hospital in which the abortion was performed or induced [and]. The pathologist's report shall be made a part of the patient's permanent record. **If the pathological examination fails to identify evidence of a completed abortion, the pathologist shall notify the abortion facility or hospital within twenty-four hours.**

**2. The department shall reconcile each notice of abortion with its corresponding tissue report. If the department does not receive the notice of abortion or the tissue report, the department shall make an inquiry of the abortion facility or hospital. After such inquiry, if the hospital or abortion facility has not satisfactorily responded to said inquiry and the department finds that the abortion facility or hospital where the abortion was performed or induced was not in compliance with the provisions of this section, the department shall consider such noncompliance a deficiency requiring an unscheduled inspection of the facility to ensure the deficiency is remedied, subject to the provisions of chapter 197 regarding license suspensions, reviews, and appeals.**

**3. Beginning January 1, 2018, the department shall make an annual report to the general assembly. The report shall include the number of any deficiencies and inquiries by the department of each abortion facility in the calendar year and whether any deficiencies were remedied and, for each abortion facility, aggregated de-identified data about the total number of abortions performed at the facility, the termination procedures used, the number and type of complications reported for each type of termination procedure, whether the department received the tissue report for each abortion, and the existence and nature, if any, of any inconsistencies or concerns between the abortion reports submitted under section 188.052 and the tissue report submitted under this section. The report shall not contain any personal patient information the disclosure of which is prohibited by state or federal law.**

**4. All reports provided by the department to the general assembly under this section shall maintain confidentiality of all personal information of patients, facility personnel, and facility physicians.**

**5. Nothing in this section shall prohibit the utilization of fetal organs or tissue resulting from an abortion for medical or scientific purposes to determine the cause or causes of any anomaly, illness, death, or genetic condition of the fetus, the paternity of the fetus, or for law enforcement purposes.**

**6. The department may adopt rules, regulations, and standards governing the reports required under this section. In doing so, the department shall ensure that these reports contain all information necessary to ensure compliance with all applicable laws and**

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

**188.075. VIOLATION OF SECTIONS 188.010 TO 188.085 A CLASS A MISDEMEANOR — AFFIRMATIVE DEFENSE.** — 1. Any person who contrary to the provisions of sections 188.010 to 188.085 knowingly performs, induces, or aids in the performance or inducing of any abortion or knowingly fails to perform any action required by sections 188.010 to 188.085 shall be guilty of a class A misdemeanor, unless a different penalty is provided for in state law, and, upon conviction, shall be punished as provided by law.

2. It shall be an affirmative defense for any person alleged to have violated any provision of this chapter that the person performed an action or did not perform an action because of a medical emergency. This affirmative defense shall be available in criminal, civil, and administrative actions or proceedings. The defendant shall have the burden of persuasion that the defense is more probably true than not.

3. The attorney general shall have concurrent original jurisdiction throughout the state, along with each prosecuting attorney and circuit attorney within their respective jurisdictions, to commence actions for a violation of any provision of this chapter, for a violation of any state law on the use of public funds for an abortion, or for a violation of any state law which regulates an abortion facility or a person who performs or induces an abortion. The attorney general, or prosecuting attorney or circuit attorney within their respective jurisdictions, may seek injunctive or other relief against any person who, or entity which, is in violation of any provision of this chapter, misuses public funds for an abortion, or violates any state law which regulates an abortion facility or a person who performs or induces an abortion.

**188.125. NOT FOUND** — 1. It is the intent of the general assembly to acknowledge the right of an alternatives to abortion agency to operate freely and engage in speech without governmental interference as protected by the constitution of the United States and the constitution and laws of Missouri, the right of a person not to be compelled by the government to participate in abortion contrary to his, her, or its religious beliefs or moral convictions, and that the constitution of the United States and the constitution and laws of Missouri shall be interpreted, construed, applied, and enforced to fully protect such rights.

2. A political subdivision of this state is preempted from enacting, adopting, maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar measure that prohibits, restricts, limits, controls, directs, interferes with, or otherwise adversely affects an alternatives to abortion agency or its officers', agents', employees', or volunteers' operations or speech including, but not limited to, counseling, referrals, or education of, advertising or information to, or other communications with, clients, patients, other persons, or the public.

3. Nothing in subsection 2 of this section shall preclude or preempt a political subdivision of this state from exercising its lawful authority to regulate zoning or land use or to enforce a building or fire code regulation; provided that, such political subdivision treats an alternatives to abortion agency in the same manner as a similarly situated agency and that such authority is not used to circumvent the intent of subsection 2 of this section.

4. A political subdivision of this state is preempted from enacting, adopting, maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar measure that has the purpose or effect of requiring a person to directly or indirectly participate in abortion if such participation is contrary to the religious beliefs or moral convictions of such person.

5. A political subdivision of this state is preempted from enacting, adopting, maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar measure requiring a real estate broker, real estate salesperson, real estate broker-salesperson, appraisal firm, appraiser, as such terms are defined in chapter 339, a property owner, or any other person to buy, sell, exchange, purchase, rent, lease, advertise for, or otherwise conduct real estate transactions for, to, or with an abortion facility or for, to, or with a person for the purpose of performing or inducing an abortion not necessary to save the life of the mother, if such requirement is contrary to the religious beliefs or moral convictions of such real estate broker, real estate salesperson, real estate broker-salesperson, appraisal firm, appraiser, property owner, or other person.

6. A political subdivision of this state is preempted from enacting, adopting, maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar measure requiring an employer, employee, health plan provider, health plan sponsor, health care provider, or any other person to provide coverage for or to participate in a health plan that includes benefits that are not otherwise required by state law.

7. In any action to enforce the provisions of this section, a court of competent jurisdiction may order injunctive or other equitable relief, recovery of damages or other legal remedies, or both, as well as payment of reasonable attorney's fees, costs, and expenses. The relief and remedies set forth shall not be deemed exclusive and shall be in addition to any other relief or remedies permitted by law.

8. In addition to a private cause of action by a person whose rights are violated contrary to the provisions of this section, the attorney general is also authorized to bring a cause of action to defend the rights guaranteed under this section.

9. Nothing in this section shall be construed to prohibit a political subdivision from enacting, adopting, maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar measure to assist pregnant women to carry their unborn children to term or to assist women in caring for their dependent children or placing their children for adoption including, but not limited to, by funding or otherwise assisting an alternatives to abortion agency to provide services to such women and children.

10. As used in this section, the following terms mean:

(1) "Alternatives to abortion agency":

(a) A maternity home as defined in section 135.600;

(b) A pregnancy resource center as defined in section 135.630; or

(c) An agency or entity that has the primary purpose of providing services or counseling to pregnant women to assist such women in carrying their unborn children to term instead of having abortions and to assist such women in caring for their dependent children or placing their children for adoption, as described in section 188.325, regardless of whether such agency or entity is receiving funding or reimbursement from the state for such purposes;

(2) "Participate in abortion":

(a) To undergo an abortion; or

(b) To perform or induce, assist in, refer or counsel for, advocate for, promote, procure, reimburse for, or provide health plan coverage for an abortion not necessary to save the life of the mother.

**188.160. NOT FOUND — 1. Every hospital, abortion facility, pathology lab, medical research entity, and any other facility involved in abortion shall establish and implement**



a written policy relating to the protections for employees who disclose information concerning actual, potential, or alleged violations of applicable federal or state laws or administrative rules, regulations, or standards.

2. The department of health and senior services is authorized to adopt rules, regulations, and standards regarding the establishment and implementation of policies created under this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

**192.665. DEFINITIONS.** — As used in this section, section 192.667, and sections 197.150 to 197.165, the following terms mean:

(1) "Charge data", information submitted by health care providers on current charges for leading procedures and diagnoses;

(2) "Charges by payer", information submitted by hospitals on amount billed to Medicare, Medicaid, other government sources and all nongovernment sources combined as one data element;

(3) "Department", the department of health and senior services;

(4) "Financial data", information submitted by hospitals drawn from financial statements which includes the balance sheet, income statement, charity care and bad debt and charges by payer, prepared in accordance with generally accepted accounting principles;

(5) "Health care provider", hospitals as defined in section 197.020 and ambulatory surgical centers and **abortion facilities** as defined in section 197.200;

(6) "Nosocomial infection", as defined by the [national] **federal** Centers for Disease Control and Prevention and applied to infections within hospitals, ambulatory surgical centers, **abortion facilities**, and other facilities;

(7) "Nosocomial infection incidence rate", a risk-adjusted measurement of new cases of nosocomial infections by procedure or device within a population over a given period of time, with such measurements defined by rule of the department pursuant to subsection 3 of section 192.667 for use by all hospitals, ambulatory surgical centers, **abortion facilities**, and other facilities in complying with the requirements of the Missouri nosocomial infection control act of 2004;

(8) "Other facility", a type of facility determined to be a source of infections and designated by rule of the department pursuant to subsection 11 of section 192.667;

(9) "Patient abstract data", data submitted by hospitals which includes but is not limited to date of birth, sex, race, zip code, county of residence, admission date, discharge date, principal and other diagnoses, including external causes, principal and other procedures, procedure dates, total billed charges, disposition of the patient and expected source of payment with sources categorized according to Medicare, Medicaid, other government, workers' compensation, all commercial payors coded with a common code, self-pay, no charge and other.

**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. Ambulatory surgical centers **and abortion facilities** 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 the incidence of health care-associated infections from hospitals, ambulatory surgical centers, **abortion facilities**, and other facilities as necessary to generate the reports required by this section. Hospitals, ambulatory surgical centers, **abortion facilities**, and other facilities shall provide such data in compliance with this section.

3. The department shall promulgate rules specifying the standards and procedures for the collection, analysis, risk adjustment, and reporting of the incidence of health care-associated infections and the types of infections and procedures to be monitored pursuant to subsection 13 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's National 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 recommendations to the department regarding the Centers for Medicare and Medicaid Services' health care-associated infection data collection, analysis, and public reporting requirements for hospitals, ambulatory surgical centers, and other facilities in the federal Centers for Disease Control and Prevention's National 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 metrics;

(2) Whether the data provided to the public is subject to the same or greater accuracy of risk adjustment;

(3) Whether the public is provided with the same or greater specificity of reporting of infections by type of facility infections and procedures;

(4) Whether the data is subject to the same or greater level of confidentiality of the identity of an individual patient;

(5) Whether the National 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 National Healthcare Safety Network infection data collection and reporting system is the same or less.

5. After considering the recommendations of the infection control advisory panel, and provided that the requirements of subsection 13 of this section can be met, the department shall implement guidelines from the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor. It shall be a condition of licensure for hospitals 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 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 ambulatory surgical center **or abortion facility** which does

not voluntarily participate in the National Healthcare Safety Network, or its successor, to submit facility-specific data to the department as required 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 publication to review and comment on the publication prior to its publication or release for general use. The 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 **or abortion facility** 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 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 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, **abortion facility**, and other facility metrics on risk adjusted health care-associated infections under this section.

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 Healthcare Safety Network, or its successor.

15. Reports published pursuant to subsection 13 of this section shall be published and readily accessible on the department's internet website. 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.

16. The Hospital Industry Data Institute shall publish a report of Missouri hospitals' [and], ambulatory surgical centers', **and abortion facilities'** 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 abortion facilities** and publish such information in accordance with this section.

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, **and abortion facilities** pursuant to chapter 197.

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 **and abortion facility** 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.

**197.150. PROCEDURES FOR COMPLIANCE, REQUIREMENTS.** — The department shall require that each hospital, ambulatory surgical center, **abortion facility**, and other facility have in place procedures for monitoring and enforcing compliance with infection control regulations and standards. Such procedures shall be coordinated with administrative staff, personnel staff, and the quality improvement program. Such procedures shall include, at a minimum, requirements for the facility's infection control program to conduct surveillance of personnel with a portion of the surveillance to be done in such manner that employees and medical staff are observed without their knowledge of such observation, provided that this unobserved surveillance requirement shall not be considered to be grounds for licensure enforcement action by the department until the department establishes clear and verifiable criteria for determining compliance. Such surveillance also may include monitoring of the rate of use of hand hygiene products.

**197.152. PROTECTION FOR REPORTING INFECTION CONTROL CONCERNS, REPORTING REQUIRED — AUTHORITY OF INFECTION CONTROL OFFICERS, REVIEW OF ORDERS — GOOD FAITH REPORTING OF INFECTION CONTROL CONCERNS PROTECTED.** — 1. Infection control officers as defined in federal regulation and other hospital [and], ambulatory surgical center, **and abortion facility** employees shall be protected against retaliation by the hospital [or], ambulatory surgical center, **or abortion facility** for reporting infection control concerns pursuant to section 197.285 and shall be entitled to the full benefits of that section. Such infection control officers shall report any interference in the performance of their duties by their supervisors to the hospital [or], ambulatory surgical center, **or abortion facility** compliance officer established by and empowered to act pursuant to section 197.285.

2. Infection control officers as defined in federal regulation shall also have the authority to order the cessation of a practice that falls outside accepted practices as defined by appropriate state and federal regulatory agencies, accreditation organizations, or the standards adopted by the Centers for Disease Control and Prevention or the Association of Professionals in Infection Control and Epidemiology. The hospital [or], ambulatory surgical center, **or abortion facility** may require that such a cessation order of an infection control officer be endorsed by the hospital [or], ambulatory surgical center, **or abortion facility** chief executive officer or his or her

designee before taking effect. The hospital [or], ambulatory surgical center, **or abortion facility** infection control committee shall convene as soon as possible to review such cessation order and may overrule or sustain the directive of the infection control officer. The department shall promulgate rules governing documentation of such events.

3. Members of the medical staff who report in good faith infection control concerns to the hospital [or], ambulatory surgical center, **or abortion facility** administration or medical staff leadership shall not be subject to retaliation or discrimination for doing so. Nothing in this section shall prevent or shield medical staff members from being subject to professional review actions for substandard care or breach of standards established in hospital policy, rules, or medical staff bylaws.

**197.158. COMPLAINT PROCEDURE TO BE PROVIDED TO PATIENTS.** — Every hospital [and], ambulatory surgery center, **and abortion facility** shall, beginning June 1, 2006, provide each patient an opportunity to submit to the hospital [or], ambulatory surgical center, **or abortion facility** administration complaints, comments, and suggestions related to the care they received or their personal observations related to the quality of care provided. The department shall promulgate rules to implement this section.

**197.160. INFECTION DATA TO BE AVAILABLE TO DEPARTMENT OF HEALTH AND SENIOR SERVICES, VIOLATION, EFFECT, STATE PAYMENTS SUSPENDED, WHEN.** — The department of health and senior services shall have access to all data and information held by hospitals, ambulatory surgical centers, **abortion facilities**, and other facilities related to their infection control practices, rates, or treatments of infections. Failure to provide such access shall be grounds for full or partial licensure suspension or revocation pursuant to section 197.293, sections 197.010 to 197.100, or sections 197.200 to 197.240. If the department determines that the hospital, ambulatory surgical center, **abortion facility**, or other facility is willfully impeding access to such information, the department shall be authorized to direct all state agencies to suspend all or a portion of state payments to such [hospital] **entity** until such time as the desired information is obtained by the department.

**197.162. INFECTION CONTROL PRACTICES TO BE CONSIDERED IN LICENSURE PROCESS, ANNUAL REPORT REQUIRED.** — The department shall in its licensure of hospitals [and], ambulatory surgical centers, **and abortion facilities** give special attention to infection control practices and shall direct hospitals [and], ambulatory surgical centers, **and abortion facilities** to set quantifiable measures of performance for reducing the incidence of nosocomial infections in Missouri. The department shall prepare an annual report on infection control standards and compliance, which shall be shared with the governor and the general assembly.

**197.165. INFECTION CONTROL ADVISORY PANEL APPOINTED — MEMBERS — EXPENSES, FUND CREATED.** — 1. The department shall appoint an "Infection Control Advisory Panel" for the purposes of implementing sections 192.131 and 192.667.

2. Members of the infection control advisory panel shall include:

- (1) Two public members;
  - (2) Three board-certified or board-eligible physicians licensed pursuant to chapter 334 who are affiliated with a Missouri hospital or medical school, active members of the Society for Health Care Epidemiology of America, and have demonstrated interest and expertise in health facility infection control;
  - (3) One physician licensed pursuant to chapter 334 who is active in the practice of medicine in Missouri and who holds medical staff privileges at a Missouri hospital;
  - (4) Four infection control practitioners certified by the certification board of infection control and epidemiology, at least two of whom shall be practicing in a rural hospital or setting and at least two of whom shall be registered professional nurses licensed under chapter 335;
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(5) A medical statistician with an advanced degree in such specialty;  
 (6) A clinical microbiologist with an advanced degree in such specialty;  
 (7) Three employees of the department, representing the functions of hospital [and], ambulatory surgical center, **and abortion facility** licensure, epidemiology and health data analysis, who shall serve as ex officio nonvoting members of the panel.

3. Reasonable expenses of the panel shall be paid from private donations made specifically for that purpose to the "Infection Control Advisory Panel Fund", which is hereby created in the state treasury. If such donations are not received from private sources, then the provisions of this act shall be implemented without the advisory panel.

**197.200. DEFINITIONS.** — As used in sections 197.200 to 197.240, unless the context clearly indicates otherwise, the following terms mean:

(1) **"Abortion facility", as such term is defined in section 188.015;**

(2) "Ambulatory surgical center", any public or private establishment operated primarily for the purpose of performing surgical procedures or primarily for the purpose of performing childbirths, [or any establishment operated for the purpose of performing or inducing any second or third-trimester abortions or five or more first-trimester abortions per month,] and which does not provide services or other accommodations for patients to stay more than twenty-three hours within the establishment, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332;

[(2)] (3) "Dentist", any person currently licensed to practice dentistry pursuant to chapter 332;

[(3)] (4) "Department", the department of health and senior services;

[(4)] (5) "Governmental unit", any city, county or other political subdivision of this state, or any department, division, board or other agency of any political subdivision of this state;

[(5)] (6) "Person", any individual, firm, partnership, corporation, company, or association and the legal successors thereof;

[(6)] (7) "Physician", any person currently licensed to practice medicine pursuant to chapter 334;

[(7)] (8) "Podiatrist", any person currently licensed to practice podiatry pursuant to chapter 330.

**197.205. LICENSE REQUIRED TO OPERATE.** — 1. No person or governmental unit acting severally or jointly with any other person or governmental unit shall establish, conduct or maintain an ambulatory surgical center **or abortion facility** in this state without a license under sections 197.200 to 197.240 issued by the department of health and senior services.

2. Nothing in sections 197.200 to 197.240 shall be construed to impair or abridge the authority of a governmental unit to license ambulatory surgical centers **or abortion facilities**, provided that any ordinance of a governmental unit shall require compliance with all rules, regulations, and standards adopted by the department to implement the provisions of sections 197.200 to 197.240.

**197.215. LICENSE TO ISSUE, WHEN — TRANSFER OR ASSIGNMENT OF LICENSE, WHEN — DISPLAY REQUIRED.** — 1. Upon receipt of an application for a license, the department of health and senior services shall issue a license if the applicant and ambulatory surgical center facilities **or abortion facilities** meet the requirements established under sections 197.200 to 197.240, and have provided affirmative evidence that:

(1) Each member of the surgical staff is a physician, dentist or podiatrist currently licensed to practice in Missouri, **and each person authorized to perform or induce abortions is a physician currently licensed to practice in Missouri;**

(2) Surgical procedures **in ambulatory surgical centers** shall be performed only by physicians, dentists or podiatrists, who at the time are privileged to perform surgical procedures

in at least one licensed hospital in the community in which the ambulatory surgical center is located, thus providing assurance to the public that patients treated in the center shall receive continuity of care should the services of a hospital be required; alternatively, applicant shall submit a copy of a current working agreement with at least one licensed hospital in the community in which the ambulatory surgical center is located, guaranteeing the transfer and admittance of patients for emergency treatment whenever necessary;

(3) Continuous physician services or registered professional nursing services are provided whenever a patient is in the facility;

(4) Adequate medical records for each patient are to be maintained.

2. Upon receipt of an application for a license, or the renewal thereof, the department shall issue or renew the license if the applicant and program meet the requirements established under sections 197.200 to 197.240. Each license shall be issued only for the persons and premises named in the application. A license, unless sooner suspended or revoked, shall be issued for a period of one year.

3. Each license shall be issued only for the premises and persons or governmental units named in the application, and shall not be transferable or assignable except with the written consent of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

4. If, during the period in which an ambulatory surgical center license **or an abortion facility license** is in effect, the license holder or operator legally transfers operational responsibilities by any process to another person as defined in section 197.200, an application shall be made for the issuance of a new license to become effective on the transfer date.

**197.220. DENIAL, SUSPENSION OR REVOCATION OF LICENSE.** — The department of health and senior services may deny, suspend or revoke a license in any case in which the department finds that there has been a substantial failure to comply with the requirements of sections 197.200 to 197.240, or in any case in which the director of the department makes a finding that:

(1) The applicant, or if the applicant is a firm, partnership or association, any of its members, or if a corporation, any of its officers or directors, or the person designated to manage or supervise the facility, has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of an ambulatory surgical center **or of an abortion facility**, or 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;

(2) The licensure status or record of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if a corporation, of any of its officers or directors, or of the person designated to manage or supervise the facility, from any other state, federal district or land, territory or commonwealth of the United States, or of any foreign country where the applicant has done business in a similar capacity indicates that granting a license to the applicant would be detrimental to the interests of the public.

**197.225. DEPARTMENT OF HEALTH AND SENIOR SERVICES MAY PROMULGATE REGULATIONS.** — **1.** The department of health and senior services may adopt such reasonable rules, regulations, and standards for the types of services provided as are necessary to carry out the provisions of sections 197.200 to 197.240, and to assure quality patient care and patient safety, which shall include, but not be limited to:

(1) Construction of the facility including, but not limited to, plumbing, heating, lighting, and ventilation which should insure the health, safety, comfort, and privacy of patients and protection from fire hazard;

(2) Number, qualifications, and organization of all personnel, having responsibility for any part of the care provided to the patients;



- (3) Equipment essential to the health, welfare, and safety of the patients;
- (4) Facilities, programs, and services to be provided in connection with the care of patients in ambulatory surgical centers; and
- (5) Procedures for peer review and for receiving and investigating complaints regarding any ambulatory surgical center or any physician, dentist, podiatrist, nurse, assistant, manager, supervisor, or employee practicing or working in any such facility.

**2. The department of health and senior services may adopt separate rules, regulations, or standards to apply to ambulatory surgical centers and to apply to abortion facilities.**

**3. Abortion facilities shall be required to maintain a written protocol for managing medical emergencies and the transfer of patients requiring further emergency care to a hospital within a reasonable distance from the abortion facility.**

**197.230. DEPARTMENT MAY INSPECT AND INVESTIGATE — DELEGATION OF SUCH AUTHORITY AUTHORIZED, WHEN. — 1.** The department of health and senior services shall make, or cause to be made, such inspections and investigations as it deems necessary. The department may delegate its powers and duties to investigate and inspect ambulatory surgical centers **or abortion facilities** to an official of a political subdivision having a population of at least four hundred fifty thousand if such political subdivision is deemed qualified by the department to inspect and investigate ambulatory surgical centers. The official so designated shall submit a written report of his **or her** findings to the department and the department may accept the recommendations of such official if it determines that the facility inspected meets minimum standards established pursuant to sections 197.200 to 197.240.

**2. In the case of any abortion facility, the department shall make or cause to be made an unannounced on-site inspection and investigation at least annually. Such on-site inspection and investigation shall include, but not be limited to, the following areas:**

**(1) Compliance with all statutory and regulatory requirements for an abortion facility, including requirements that the facility maintain adequate staffing and equipment to respond to medical emergencies;**

**(2) Compliance with the provisions of chapter 188; and**

**(3) Compliance with the requirement in section 197.215 that continuous physician services or registered professional nursing services be provided whenever a patient is in the facility.**

**3. Inspection, investigation, and quality assurance reports shall be made available to the public. Any portion of a report may be redacted when made publicly available if such portion would disclose information that is not subject to disclosure under the law.**

**197.235. FAILURE TO HAVE LICENSE A MISDEMEANOR — ATTORNEY GENERAL TO ACT FOR DEPARTMENT — ADVERTISING, CANNOT IMPLY STATE OPERATION, FINE. — 1.** Any person operating, conducting, managing, or establishing an ambulatory surgical center **or abortion facility** without a license required by sections 197.200 to 197.240 is guilty of a class A misdemeanor and, upon conviction, shall be subject to a fine of not more than five hundred dollars. Each day of continuing violation shall constitute a separate offense.

**2.** The attorney general shall represent the department of health and senior services and shall institute an action in the name of the state for injunctive or other relief against any person or governmental unit to restrain or prevent the establishment, conduct, management, or operation of an ambulatory surgical center **or abortion facility** without a license issued pursuant to the provisions of sections 197.200 to 197.240.

**3.** Any person operating, conducting, managing, or establishing an ambulatory surgical center **or abortion facility** who, in the course of advertising, promoting, or otherwise publicizing the activities, business, location, or any other matter concerning the operations of said ambulatory surgical center **or abortion facility**, uses or employs in any manner the words "State, Missouri,

State of Missouri, Department of Health and Senior Services, the initials 'Mo.," or any emblem of the state of Missouri or the department of health and senior services, for the purpose of conveying or in any manner reasonably calculated to convey the false impression that the state of Missouri or any department, agency, bureau, or instrumentality thereof is involved in the business of said ambulatory surgical center **or abortion facility**, or took part in said advertisement, promotion, publicity, or other statement, shall be subject to a fine of one hundred dollars per day for each day during the period beginning with the day said advertisement, promotion, publication, or statement first appears and ending on the day on which it is withdrawn.

**197.240. ACCIDENT AND HEALTH INSURERS TO COVER CARE IN AN AMBULATORY SURGICAL CENTER, EXCEPTIONS.** — After September 28, 1975, no individual or group health insurance policy of insurance providing coverage on an expense incurred basis, nor individual or group service or indemnity type contract issued by a nonprofit corporation, nor any self-insured group health benefit plan or trust, of any kind or description, shall be issued or payment accepted therefor in renewal or continuation thereof unless coverage for any service performed in an ambulatory surgical center **or abortion facility** is provided for therein if such service would have been covered under the terms of the policy or contract as an eligible inpatient service, except as provided in section 376.805. Nothing in this section shall apply to a group contract, plan or trust which provides health care and surgical care directly to its members and their dependents. Nothing in this section shall be construed to mandate coverage under an individual or group health insurance policy of insurance providing coverage on an expense incurred basis, or an individual or group service or indemnity type contract issued by a nonprofit corporation, or any self-insured group health benefit plan or trust, of any kind or description, to provide health insurance for services which are usually performed in a physician's office.

**197.285. PROTECTIONS FOR HOSPITAL AND AMBULATORY SURGICAL CENTER EMPLOYEES FOR CERTAIN DISCLOSURES — WRITTEN POLICY REQUIRED — PROCEDURES FOR DISCLOSURE — ANONYMOUS REPORTS.** — 1. Hospitals [and], ambulatory surgical centers, **and abortion facilities** shall establish and implement a written policy adopted by each hospital [and], ambulatory surgical center, **and abortion facility** relating to the protections for employees who disclose information pursuant to subsection 2 of this section. This policy shall include a time frame for completion of investigations related to complaints, not to exceed thirty days, and a method for notifying the complainant of the disposition of the investigation. This policy shall be submitted to the department of health and senior services to verify implementation. At a minimum, such policy shall include the following provisions:

(1) No supervisor or individual with authority to hire or fire in a hospital [or], ambulatory surgical center, **or abortion facility** shall prohibit employees from disclosing information pursuant to subsection 2 of this section;

(2) No supervisor or individual with authority to hire or fire in a hospital [or], ambulatory surgical center, **or abortion facility** shall use or threaten to use his or her supervisory authority to knowingly discriminate against, dismiss, penalize or in any way retaliate against or harass an employee because the employee in good faith reported or disclosed any information pursuant to subsection 2 of this section, or in any way attempt to dissuade, prevent or interfere with an employee who wishes to report or disclose such information;

(3) Establish a program to identify a compliance officer who is a designated person responsible for administering the reporting and investigation process and an alternate person should the primary designee be implicated in the report.

2. This section shall apply to information disclosed or reported in good faith by an employee concerning:

(1) Alleged facility mismanagement or fraudulent activity;

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(2) Alleged violations of applicable federal or state laws or administrative rules concerning patient care, patient safety or facility safety; or

(3) The ability of employees to successfully perform their assigned duties. All information disclosed, collected and maintained pursuant to this subsection and pursuant to the written policy requirements of this section shall be accessible to the department of health and senior services at all times and shall be reviewed by the department of health and senior services at least annually. Complainants shall be notified of the department of health and senior services' access to such information and of the complainant's right to notify the department of health and senior services of any information concerning alleged violations of applicable federal or state laws or administrative rules concerning patient care, patient safety or facility safety.

3. Prior to any disclosure to individuals or agencies other than the department of health and senior services, employees wishing to make a disclosure pursuant to the provisions of this section shall first report to the individual or individuals designated by the hospital [or], ambulatory surgical center, **or abortion facility** pursuant to subsection 1 of this section.

4. If the compliance officer, compliance committee or management official discovers credible evidence of misconduct from any source and, after a reasonable inquiry, has reason to believe that the misconduct may violate criminal, civil or administrative law, then the hospital [or], ambulatory surgical center, **or abortion facility** shall report the existence of misconduct to the appropriate governmental authority within a reasonable period, but not more than seven days after determining that there is credible evidence of a violation.

5. Reports made to the department of health and senior services shall be subject to the provisions of section 197.477, provided that the restrictions of section 197.477 shall not be construed to limit the employee's ability to subpoena from the original source the information reported to the department pursuant to this section.

6. Each written policy shall allow employees making a report who wish to remain anonymous to do so, and shall include safeguards to protect the confidentiality of the employee making the report, the confidentiality of patients and the integrity of data, information and medical records.

7. Each hospital [and], ambulatory surgical center, **and abortion facility** shall, within forty-eight hours of the receipt of a report, notify the employee that his or her report has been received and is being reviewed.

**197.287. TRAINING PROGRAMS RELATED TO QUALITY OF PATIENT CARE AND SAFETY REQUIRED—STANDARDS DEVELOPED BY DEPARTMENT OF HEALTH AND SENIOR SERVICES.** — By July 1, 2001, all hospitals and ambulatory surgical centers, **and by July 1, 2018, all abortion facilities** shall provide training programs, with measurable minimal training outcomes relating to quality of patient care and patient safety, to all unlicensed staff providing patient care in their facility within ninety days of the beginning date of employment. Standards for such training shall be established by the department of health and senior services by rule. It shall be a requirement of hospital [and], ambulatory surgical center, **and abortion facility** licensure pursuant to this chapter that all hospitals [and], ambulatory surgical centers, **and abortion facilities** submit documentation to the department of health and senior services on the training program used.

**197.289. ADEQUATE NURSE STAFFING, METHODOLOGY REQUIRED, MINIMUM REQUIREMENTS.** — 1. All hospitals [and], ambulatory surgical centers, **and abortion facilities** shall develop and implement a methodology which ensures adequate nurse staffing that will meet the needs of patients. At a minimum, there shall be on duty at all times a sufficient number of licensed registered nurses to provide patient care requiring the judgment and skills of a licensed registered nurse and to oversee the activities of all nursing personnel.

2. There shall be sufficient licensed and ancillary nursing personnel on duty on each nursing unit to meet the needs of each patient in accordance with accepted standards of quality patient care.

**197.293. LICENSURE REGULATIONS, STANDARDS USED BY THE DEPARTMENT OF HEALTH AND SENIOR SERVICES FOR ENFORCEMENT.** — 1. In addition to the powers established in sections 197.070 and 197.220, the department of health and senior services shall use the following standards for enforcing hospital [and], ambulatory surgical center, **and abortion facility** licensure regulations promulgated to enforce the provisions of sections 197.010 to 197.120, sections 197.150 to 197.165, and sections 197.200 to 197.240:

(1) Upon notification of a deficiency in meeting regulatory standards, the hospital [or], ambulatory surgical center, **or abortion facility** shall develop and implement a plan of correction approved by the department which includes, but is not limited to, the specific type of corrective action to be taken and an estimated time to complete such action;

(2) If the plan as implemented does not correct the deficiency, the department may either:

(a) Direct the hospital [or], ambulatory surgical center, **or abortion facility** to develop and implement a plan of correction pursuant to subdivision (1) of this subsection; or

(b) Require the hospital [or], ambulatory surgical center, **or abortion facility** to implement a plan of correction developed by the department;

(3) If there is a continuing deficiency after implementation of the plan of correction pursuant to subdivision (2) of this subsection and the hospital [or], ambulatory surgical center, **or abortion facility** has had an opportunity to correct such deficiency, the department may restrict new inpatient admissions or outpatient entrants to the service or services affected by such deficiency;

(4) If there is a continuing deficiency after the department restricts new inpatient admissions or outpatient entrants to the service or services pursuant to subdivision (3) of this subsection and the hospital [or], ambulatory surgical center, **or abortion facility** has had an opportunity to correct such deficiency, the department may suspend operations in all or part of the service or services affected by such deficiency;

(5) If there is a continuing deficiency after suspension of operations pursuant to subdivision (4) of this subsection, the department may deny, suspend or revoke the hospital's [or], ambulatory surgical center's, **or abortion facility's** license pursuant to section 197.070 or section 197.220.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, if a deficiency in meeting licensure standards presents an immediate and serious threat to the patients' health and safety, the department may, based on the scope and severity of the deficiency, restrict access to the service or services affected by the deficiency until the hospital [or], ambulatory surgical center, **or abortion facility** has developed and implemented an approved plan of correction. Decisions as to whether a deficiency constitutes an immediate and serious threat to the patients' health and safety shall be made in accordance with guidelines established pursuant to regulation of the department of health and senior services and such decisions shall be approved by the bureau of health facility licensing in the department of health and senior services, or its successor agency, or by a person authorized by the regulations to approve such decisions in the absence of the director.

**197.295. LICENSURE ENFORCEMENT, APPEALS, PROCEDURE.** — 1. A hospital [or], ambulatory surgical center, **or abortion facility** aggrieved by a decision of the department pursuant to the provisions of paragraph (b) of subdivision (2) and subdivisions (3), (4) and (5) of subsection 1 of section 197.293 may appeal such decision to the administrative hearing commission pursuant to section 197.071 or section 197.221, and seek judicial review pursuant to section 621.145. An appeal of an action to restrict new inpatient admissions or outpatient entrants, suspend operations or revoke a license shall be heard on an expedited basis by the administrative hearing commission. The hospital [or], ambulatory surgical center, **or abortion**

**facility** may apply to the administrative hearing commission for an order to stay or suspend any such departmental action pending the commission's findings and ruling as authorized by section 621.035.

2. If both the department and the hospital [or], ambulatory surgical center, **or abortion facility** agree to do so, prior to an appeal to the administrative hearing commission pursuant to section 197.071 or section 197.221, an official action of the department made pursuant to sections 197.010 to 197.120 or sections 197.200 to 197.240 may be appealed to a departmental hearing officer. The department of health and senior services shall promulgate rules specifying the qualifications of such a hearing officer, establish procedures to ensure impartial decisions and provide for comparable appeal remedies when a departmental hearing officer is unavailable.

**574.200. NOT FOUND — 1. A person commits the offense of interference with medical assistance if he or she, while serving in his or her capacity as an employee of an abortion facility:**

(1) **Knowingly orders or requests medical personnel to deviate from any applicable standard of care or ordinary practice while providing medical assistance to a patient for reasons unrelated to the patient's health or welfare; or**

(2) **Knowingly attempts to prevent medical personnel from providing medical assistance to a patient in accordance with all applicable standards of care or ordinary practice for reasons unrelated to the patient's health or welfare.**

2. **The offense of interference with medical assistance is a class A misdemeanor.**

3. **For purposes of this section, the term "medical personnel" shall include, but not be limited to, the following:**

(1) **Physicians and surgeons licensed under chapter 334;**

(2) **Nurses licensed under chapter 335;**

(3) **Emergency medical services personnel as defined in section 190.600; or**

(4) **Any person operating under the supervision of such medical personnel.**

**595.027. MEDICAL PROVIDERS TO SUBMIT INFORMATION, WHEN, PENALTY — MEDICAL PROVIDERS, DEFINED. — 1.** Upon request by the department for verification of injuries of victims, medical providers shall submit the information requested by the department within twenty working days of the request at no cost to the fund.

2. For purposes of this section, "medical providers" means physicians, dentists, clinical psychologists, optometrists, podiatrists, registered nurses, physician's assistants, chiropractors, physical therapists, hospitals, ambulatory surgical centers, **abortion facilities**, and nursing homes.

3. Failure to submit the information as required by this section shall be an infraction.

**SECTION B. EMERGENCY CLAUSE. —** In accordance with the provisions of section 1.140, the provisions of section A are severable. If any provision of section A is found by a court of competent jurisdiction to be invalid, the remaining provisions shall remain valid and enforceable.

Approved July 26, 2017

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**FOR**

**NINETY-NINTH**

**GENERAL ASSEMBLY,**

**FIRST**

**REGULAR SESSION**

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- HB 115 Modifies provisions relating to intoxicating liquor

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- SB 31 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
- SB 88 Establishes a two year statute of limitation for claims of malpractice or negligence against veterinarians
- SB 111 Modifies various provisions regarding bonds issued by a political subdivision, qualifications for candidates of public office, limited liability companies who own property in certain cities, public administrators, and guardianships
- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)
- SB 160 Modifies provisions relating to child protection
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**COURTS, CONTINUED**

- SB 376 Designates "Old Drum" as the historical dog of the state of Missouri and "Jim the Wonder Dog" as Missouri's wonder dog
- HB 50 Provides that Division Twelve of the Sixteenth Judicial Circuit shall sit at the City of Independence
- HB 153 Modifies provisions relating to expert witnesses
- HB 339 Modifies provisions relating to settlement agreements in tort claims

**COURTS, JUVENILE**

- SB 160 Modifies provisions relating to child protection

**CREDIT AND BANKRUPTCY**

- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)

**CRIMES AND PUNISHMENT**

- SB 34 Modifies and creates new provisions relating to criminal offenses
- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)

**CRIMINAL PROCEDURE**

- SB 31 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
- SB 88 Establishes a two year statute of limitation for claims of malpractice or negligence against veterinarians
- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)

**DENTISTS**

- SB 50 Modifies several provisions relating to health care
- SB 501 Modifies provisions relating to health care

**DISABILITIES**

- HCB 3 Modifies provisions relating to funds for vulnerable senior citizens (VETOED)

**DOMESTIC RELATIONS**

- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)
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**DRUGS AND CONTROLLED SUBSTANCES**

- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)  
SB 139 Modifies provisions relating to health care  
SB 501 Modifies provisions relating to health care

**DRUNK DRIVING/BOATING**

- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)  
SB 225 Modifies provisions relating to transportation

**EASEMENTS AND CONVEYANCES**

- SB 421 Modifies provisions relating to the conveyance of state property  
SB 486 Authorizes the conveyance of a certain state property located in Cole County to the City of Jefferson

**ECONOMIC DEVELOPMENT**

- HB 93 Modifies several provisions relating to job training

**ECONOMIC DEVELOPMENT,  
DEPARTMENT OF**

- HB 93 Modifies several provisions relating to job training

**EDUCATION, ELEMENTARY AND SECONDARY**

- HB 93 Modifies several provisions relating to job training  
HB 662 Allows the Department of Agriculture to assess civil penalties for the use of a herbicide for a crop for which the herbicide was not labeled for use

**EDUCATION, HIGHER**

- SB 52 Creates several provisions relating to suicide awareness and prevention  
SB 62 Modifies provisions regarding various pension systems and forfeiture of a pension benefit due to a felony conviction  
HCR 19 Authorizes the issuance of public bonds for half of the financing of a new conservatory building at UMKC (VETOED)  
HB 190 Allows community college police officers to establish regulations to control vehicular traffic on any thoroughfare owned or maintained by the college

**ELDERLY**

- SB 50 Modifies several provisions relating to health care  
HCB 3 Modifies provisions relating to funds for vulnerable senior citizens (VETOED)

**ELECTIONS**

- SB 111 Modifies various provisions regarding bonds issued by a political subdivision, qualifications for candidates of public office, limited liability companies who own property in certain cities, public administrators, and guardianships
- SB 283 Enacts provisions relating to political subdivisions
- HB 151 Allows the Department of Revenue to issue REAL ID compliant driver's licenses and identification cards

**EMBLEMS**

- SB 376 Designates "Old Drum" as the historical dog of the state of Missouri and "Jim the Wonder Dog" as Missouri's wonder dog

**EMERGENCIES**

- SB 225 Modifies provisions relating to transportation
- SB 503 Requires the Committee for 911 Oversight to designate a state 911 coordinator

**EMPLOYEES - EMPLOYERS**

- SB 19 Creates new provisions of law relating to labor organizations
- SB 43 Modifies the law relating to unlawful discrimination
- SB 108 Grants reemployment rights to members of the military
- HB 130 Enacts provisions relating to transportation network companies
- HB 452 Modifies provisions regarding the liability of a health care provider for the actions of an employee
- HB 1194 Prohibits political subdivisions from requiring a minimum wage that exceeds the requirements of state law

**EMPLOYMENT SECURITY**

- SB 108 Grants reemployment rights to members of the military

**ESTATES, WILLS AND TRUSTS**

- SB 111 Modifies various provisions regarding bonds issued by a political subdivision, qualifications for candidates of public office, limited liability companies who own property in certain cities, public administrators, and guardianships
- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)
- HB 153 Modifies provisions relating to expert witnesses

**EVIDENCE**

- SB 31 Modifies provisions relating to collateral source rule and provides that parties may introduce evidence of actual cost, rather than the value, of medical care rendered

**FAMILY LAW**

- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)
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**FAMILY LAW, CONTINUED**

SB 160 Modifies provisions relating to child protection

**FEDERAL - STATE RELATIONS**

SCR 4 Applies to Congress for calling an Article V convention of states to propose certain amendments to the U. S. Constitution which place limits on the federal government  
SB 225 Modifies provisions relating to transportation  
HB 151 Allows the Department of Revenue to issue REAL ID compliant driver's licenses and identification cards

**FEES**

HB 130 Enacts provisions relating to transportation network companies

**FOOD**

HB 662 Allows the Department of Agriculture to assess civil penalties for the use of a herbicide for a crop for which the herbicide was not labeled for use

**FUNERALS AND FUNERAL DIRECTORS**

SB 111 Modifies various provisions regarding bonds issued by a political subdivision, qualifications for candidates of public office, limited liability companies who own property in certain cities, public administrators, and guardianships

**GENERAL ASSEMBLY**

SB 35 Modifies public notice and hearing requirements for certain land purchases made by the Department of Natural Resources or the Commissioner of Administration on behalf of state departments  
SB 421 Modifies provisions relating to the conveyance of state property  
SB 486 Authorizes the conveyance of a certain state property located in Cole County to the City of Jefferson  
HCR 4 Disapproves the salary recommendations of the Missouri Citizens Commission on Compensation for Elected Officials

**GOVERNOR & LT. GOVERNOR**

SB 421 Modifies provisions relating to the conveyance of state property  
SB 486 Authorizes the conveyance of a certain state property located in Cole County to the City of Jefferson  
HB 850 Modifies the complaint process for members of the state military forces (VETOED)

**GUARDIANS**

SB 111 Modifies various provisions regarding bonds issued by a political subdivision, qualifications for candidates of public office, limited liability companies who own property in certain cities, public administrators, and guardianships  
SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)

**HEALTH AND SENIOR SERVICES, DEPARTMENT OF**

- SB 50 Modifies several provisions relating to health care
- SB 139 Modifies provisions relating to health care
- SB 501 Modifies provisions relating to health care

**HEALTH CARE**

- SB 31 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
- SB 50 Modifies several provisions relating to health care
- HB 452 Modifies provisions regarding the liability of a health care provider for the actions of an employee

**HEALTH CARE PROFESSIONALS**

- SB 31 Modifies provisions relating to the collateral source rule and provides that parties may introduce evidence of actual cost, rather than the value, of medical care rendered
- SB 52 Creates several provisions relating to suicide awareness and prevention
- SB 501 Modifies provisions relating to health care
- HB 452 Modifies provisions regarding the liability of a health care provider for the actions of an employee

**HEALTH, PUBLIC**

- SB 52 Creates several provisions relating to suicide awareness and prevention

**HOMELAND SECURITY**

- HB 151 Allows the Department of Revenue to issue REAL ID compliant driver's licenses and identification cards

**HOSPITALS**

- SB 50 Modifies several provisions relating to health care
- SB 501 Modifies provisions relating to health care
- HB 452 Modifies provisions regarding the liability of a health care provider for the actions of an employee

**HOUSING**

- SB 43 Modifies the law relating to unlawful discrimination

**IDENTITY THEFT AND PROTECTION**

- HB 151 Allows the Department of Revenue to issue REAL ID compliant driver's licenses and identification cards

**IMMIGRATION**

- SB 34 Modifies and creates new provisions relating to criminal offenses
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**INSURANCE - GENERAL**

- HB 292 Modifies provisions relating to banks, trust companies, and other financial institutions  
HB 339 Modifies provisions relating to settlement agreements in tort claims  
HB 452 Modifies provisions regarding the liability of a health care provider for the actions of an employee

**INSURANCE - HEALTH**

- SB 31 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

**INSURANCE - LIFE**

- HB 336 Provides that life insurance providers may exclude coverage for suicides occurring within one year of issuance of the coverage

**INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION,  
DEPARTMENT OF**

- SB 501 Modifies provisions relating to health care

**INTERNET AND E-MAIL**

- SB 35 Modifies public notice and hearing requirements for certain land purchases made by the Department of Natural Resources or the Commissioner of Administration on behalf of state departments

**JACKSON COUNTY**

- SB 421 Modifies provisions relating to the conveyance of state property

**JUDGES**

- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)  
HB 50 Provides that Division Twelve of the Sixteenth Judicial Circuit shall sit at the City of Independence  
HB 153 Modifies provisions relating to expert witnesses

**JURIES**

- HB 153 Modifies provisions relating to expert witnesses

**KANSAS CITY**

- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)
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**KANSAS CITY, CONTINUED**

- HB 50 Provides that Division Twelve of the Sixteenth Judicial Circuit shall sit at the City of Independence  
HB 115 Modifies provisions relating to intoxicating liquor  
HB 130 Enacts provisions relating to transportation network companies

**LABOR AND MANAGEMENT**

- SB 19 Creates new provisions of law relating to labor organizations  
SB 182 Modifies provisions of law relating to project labor agreements

**LAKES, RIVERS AND WATERWAYS**

- SB 65 Exempts vessels propelled by outboard jet motors and vessels not originally manufactured with adequate guards or railing from the provisions prohibiting passengers from riding in certain areas of a boat (VETOED)

**LAW ENFORCEMENT OFFICERS AND AGENCIES**

- SB 34 Modifies and creates new provisions relating to criminal offenses  
SB 66 Modifies provisions of law relating to workers' compensation  
HB 190 Allows community college police officers to establish regulations to control vehicular traffic on any thoroughfare owned or maintained by the college

**LIABILITY**

- SB 31 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  
SB 88 Establishes a two year statute of limitation for claims of malpractice or negligence against veterinarians  
SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)  
HB 339 Modifies provisions relating to settlement agreements in tort claims  
HB 452 Modifies provisions regarding the liability of a health care provider for the actions of an employee  
HB 662 Allows the Department of Agriculture to assess civil penalties for the use of a herbicide for a crop for which the herbicide was not labeled for use

**LIBRARIES AND ARCHIVES**

- SB 112 Modifies provisions relating to political subdivisions

**LICENSES - DRIVER'S**

- SB 279 Adds certain forms to the list of documents sufficient to demonstrate eligibility for a veteran designation on an applicant's driver's license or non-driver identification card  
HB 151 Allows the Department of Revenue to issue REAL ID compliant driver's licenses and identification cards
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**LICENSES - MISCELLANEOUS**

- HB 130 Enacts provisions relating to transportation network companies  
HB 151 Allows the Department of Revenue to issue REAL ID compliant driver's licenses and identification cards  
HB 662 Allows the Department of Agriculture to assess civil penalties for the use of a herbicide for a crop for which the herbicide was not labeled for use

**LICENSES - MOTOR VEHICLE**

- SB 222 Modifies provisions relating to vehicle lighting equipment  
SB 225 Modifies provisions relating to transportation

**MARRIAGE AND DIVORCE**

- HB 153 Modifies provisions relating to expert witnesses

**MENTAL HEALTH**

- SB 52 Creates several provisions relating to suicide awareness and prevention

**MENTAL HEALTH, DEPARTMENT OF**

- SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)

**MERCHANDISING PRACTICES**

- SB 329 Modifies provisions relating to motor vehicle franchise practices

**MILITARY AFFAIRS**

- SB 108 Grants reemployment rights to members of the military  
HB 850 Modifies the complaint process for members of the state military forces (VETOED)

**MORTGAGES AND DEEDS**

- HB 292 Modifies provisions relating to banks, trust companies, and other financial institutions

**MOTOR CARRIERS**

- SB 225 Modifies provisions relating to transportation  
HB 130 Enacts provisions relating to transportation network companies

**MOTOR VEHICLES**

- SB 8 Modifies the law relating to flashing lights on motor vehicles and equipment  
SB 222 Modifies provisions relating to vehicle lighting equipment  
SB 225 Modifies provisions relating to transportation  
SB 329 Modifies provisions relating to motor vehicle franchise practices
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**NATIONAL GUARD**

- SB 225 Modifies provisions relating to transportation  
SB 279 Adds certain forms to list of documents sufficient to demonstrate eligibility for a veteran designation on an applicant's driver's license or non-driver identification card

**NATURAL RESOURCES, DEPARTMENT OF**

- SB 35 Modifies public notice and hearing requirements for certain land purchases made by the Department of Natural Resources or the Commissioner of Administration on behalf of state departments

**NEWSPAPERS AND PUBLICATIONS**

- SB 35 Modifies public notice and hearing requirements for certain land purchases made by the Department of Natural Resources or the Commissioner of Administration on behalf of state departments

**NURSES**

- SB 501 Modifies provisions relating to health care

**NURSING HOMES AND LONG-TERM CARE FACILITIES**

- SB 501 Modifies provisions relating to health care

**PHARMACY**

- SB 139 Modifies provisions relating to health care  
SB 501 Modifies provisions relating to health care

**PHYSICIANS**

- SB 139 Modifies provisions relating to health care  
SB 501 Modifies provisions relating to health care

**POLITICAL SUBDIVISIONS**

- SB 112 Modifies provisions relating to political subdivisions  
SB 182 Modifies provisions of law relating to project labor agreements  
SB 240 Creates a statewide license for electrical contractors  
SB 283 Enacts provisions relating to political subdivisions  
HB 451 Provides that a change in population shall not remove a city, county, or political subdivision from the operation of a law  
HB 1194 Prohibits political subdivisions from requiring a minimum wage that exceeds the requirements of state law

**PROFESSIONAL REGISTRATION AND LICENSING**

- SB 240 Creates a statewide license for electrical contractors  
SB 395 Modifies provisions relating to the practice of public accounting  
SB 501 Modifies provisions relating to health care
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**PROPERTY, REAL AND PERSONAL**

- SB 35 Modifies public notice and hearing requirements for certain land purchases made by the Department of Natural Resources or the Commissioner of Administration on behalf of state departments
- SB 111 Modifies various provisions regarding bonds issued by a political subdivision, qualifications for candidates of public office, limited liability companies who own property in certain cities, public administrators, and guardianships
- SB 421 Modifies provisions relating to the conveyance of state property
- SB 486 Authorizes the conveyance of a certain state property located in Cole County to the City of Jefferson
- HB 153 Modifies provisions relating to expert witnesses

**PUBLIC BUILDINGS**

- SB 43 Modifies the law relating to unlawful discrimination
- SB 421 Modifies provisions relating to the conveyance of state property
- SB 486 Authorizes the conveyance of a certain state property located in Cole County to the City of Jefferson
- HCR 19 Authorizes the issuance of public bonds for half of the financing of a new conservatory building at UMKC (VETOED)

**PUBLIC OFFICERS**

- HCR 4 Disapproves the salary recommendations of the Missouri Citizens Commission on Compensation for Elected Officials

**PUBLIC RECORDS, PUBLIC MEETINGS**

- SB 35 Modifies public notice and hearing requirements for certain land purchases made by the Department of Natural Resources or the Commissioner of Administration on behalf of state departments

**PUBLIC SAFETY, DEPARTMENT OF**

- HB 115 Modifies provisions relating to intoxicating liquor

**RETIREMENT - LOCAL GOVERNMENT**

- SB 62 Modifies provisions regarding various pension systems and forfeiture of a pension benefit due to a felony conviction

**RETIREMENT - SCHOOLS**

- SB 62 Modifies provisions regarding various pension systems and forfeiture of a pension benefit due to a felony conviction

**RETIREMENT - STATE**

- SB 62 Modifies provisions regarding various pension systems and forfeiture of a pension benefit due to a felony conviction
-

**RETIREMENT SYSTEMS AND BENEFITS - GENERAL**

- SB 62 Modifies provisions regarding various pension systems and forfeiture of a pension benefit due to a felony conviction

**REVENUE, DEPARTMENT OF**

- SB 16 Exempts delivery charges from sales and use taxes  
SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)  
SB 279 Adds certain forms to list of documents sufficient to demonstrate eligibility for a veteran designation on an applicant's driver's license or non-driver identification card  
HB 130 Enacts provisions relating to transportation network companies  
HB 151 Allows the Department of Revenue to issue REAL ID compliant driver's licenses and identification cards

**ROADS AND HIGHWAYS**

- SB 64 Gives designation to certain infrastructure  
SB 222 Modifies provisions relating to vehicle lighting equipment  
SB 225 Modifies provisions relating to transportation  
SB 283 Enacts provisions relating to political subdivisions  
SB 322 Designates certain memorial infrastructure  
HB 130 Enacts provisions relating to transportation network companies  
HB 190 Allows community college police officers to establish regulations to control vehicular traffic on any thoroughfare owned or maintained by the college

**SAINT LOUIS CITY**

- SB 49 Modifies several provisions relating to local sales taxes

**SAINT LOUIS COUNTY**

- SB 49 Modifies several provisions relating to local sales taxes  
HB 115 Modifies provisions relating to intoxicating liquor

**SALARIES**

- HCR 4 Disapproves the salary recommendations of the Missouri Citizens Commission on Compensation for Elected Officials

**SECRETARY OF STATE**

- SB 34 Modifies and creates new provisions relating to criminal offenses  
SB 95 Extends the expiration dates on certain provisions relating to public funds  
HB 292 Modifies provisions relating to banks, trust companies, and other financial institutions

**SOCIAL SERVICES, DEPARTMENT OF**

- SB 160 Modifies provisions relating to child protection
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**STATE DEPARTMENTS**

- SB 35 Modifies public notice and hearing requirements for certain land purchases made by the Department of Natural Resources or the Commissioner of Administration on behalf of state departments
- SB 182 Modifies provisions of law relating to project labor agreements

**SUICIDE**

- HB 336 Provides that life insurance providers may exclude coverage for suicides occurring within one year of issuance of the coverage

**TAXATION AND REVENUE - GENERAL**

- SB 248 Repeals the expiration date for tax refund contributions to the Organ Donor Program Fund

**TAXATION AND REVENUE - PROPERTY**

- SB 283 Enacts provisions relating to political subdivisions

**TAXATION AND REVENUE - SALES AND USE**

- SB 16 Exempts delivery charges from sales and use taxes
- SB 49 Modifies several provisions relating to local sales taxes
- SB 283 Enacts provisions relating to political subdivisions

**TELECOMMUNICATIONS**

- SB 421 Modifies provisions relating to the conveyance of state property

**TOURISM**

- SB 161 Establishes the Ozark Exploration Bicentennial Commission
- SB 283 Enacts provisions relating to political subdivisions

**TRANSPORTATION**

- SB 8 Modifies the law relating to flashing lights on motor vehicles and equipment
- SB 222 Modifies provisions relating to vehicle lighting equipment
- SB 225 Modifies provisions relating to transportation
- SB 283 Enacts provisions relating to political subdivisions
- HB 130 Enacts provisions relating to transportation network companies

**TRANSPORTATION, DEPARTMENT OF**

- SB 8 Modifies the law relating to flashing lights on motor vehicles and equipment
- SB 64 Gives designation to certain infrastructure
- SB 322 Designates certain memorial infrastructure

**TREASURER, STATE**

- HCB 3 Modifies provisions relating to funds for vulnerable senior citizens (VETOED)
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**UTILITIES**

SB 421 Modifies provisions relating to the conveyance of state property

**VETERANS**

SB 108 Grants reemployment rights to members of the military

SB 279 Adds certain forms to the list of documents sufficient to demonstrate eligibility for a veteran designation on an applicant's driver's license or non-driver identification card

HB 151 Allows the Department of Revenue to issue REAL ID compliant driver's licenses and identification cards

**VETERINARIANS**

SB 50 Modifies several provisions relating to health care

SB 88 Establishes a two year statute of limitation for claims of malpractice or negligence against veterinarians

**VICTIMS OF CRIME**

SB 128 Modifies various provisions regarding criminal offenses, the Attorney General, the Department of Revenue, child support and custody, trusts and estates, guardianships, judges, court surcharges, court reporter fees, and victims of crime (VETOED)

SB 160 Modifies provisions relating to child protection

**WORKERS COMPENSATION**

SB 66 Modifies provisions of law relating to workers' compensation

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**SUBJECT INDEX**

**FOR**

**NINETY-NINTH**

**GENERAL ASSEMBLY,**

**FIRST**

**EXTRAORDINARY SESSION**

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**UTILITIES**

- HB 1 Gives the public service commission authority to approve certain special utility rates for an aluminum smelting facility or a steel works facility under certain circumstances

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**SUBJECT INDEX**

**FOR**

**NINETY-NINTH**

**GENERAL ASSEMBLY,**

**SECOND**

**EXTRAORDINARY SESSION**

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**ABORTION**

SB 5      Modifies several provisions relating to abortion



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