

SESSION LAWS OF MISSOURI

Passed during the

NINETY-SIXTH GENERAL ASSEMBLY

Second Regular Session, which convened at the City of Jefferson,
Wednesday, January 4, 2012, and adjourned Wednesday, May 30, 2012.
Veto Session held September 12, 2012.

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**MISSOURI JOINT
COMMITTEE ON
LEGISLATIVE RESEARCH**

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Revised Statutes of Missouri, 2011

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HOW TO USE THE SESSION LAWS

The first pages contain the *Popular Name Table* and the *Table of Sections Affected by 2012 Legislation* from the Second Regular Session of the 96th General Assembly.

The text of all 2012 House and Senate Bills and the Concurrent Resolutions from the Second Regular Session appears next. The appropriation bills are presented first, with all others following in numerical order.

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

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Authority for Publishing Session Laws and Resolutions

Section 2.030, Revised Statutes of Missouri, 2011. — Legislative research, printing and binding of laws. — The joint committee on legislative research shall annually collate and index, and may print and bind and/or produce in a web-based electronic format all laws and resolutions passed or adopted by the general assembly and all measures approved by the people since the last publication of the session laws. Any edition of the session laws published pursuant to this section is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed..

Section 2.040, Revised Statutes of Missouri, 2011. — 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.

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-sixth General Assembly, Second Regular Session, passed one Joint Resolution. Resolutions are to be published as provided in Section 116.340, RSMo 2000, which reads:

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

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

The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2012 Supplement to the Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

POPULAR NAME TABLE

2012 LEGISLATION

Named Bridges and Highways

Sgt. Issac B. Jackson Memorial Highway, HB 1807, et al.
LCPL Patrick W. Schimmel Memorial Highway, HB 1807, et al.
Spc. James Burnett, Jr. Memorial Highway, HB 1807, et al.
Missouri Fox Trotting Highway, HB 1807, et al.
Bob Watts Memorial Bicycle & Pedestrian Bridge, HB 1807, et al.
Chief of Police Jerry E. Hicks Memorial Highway, HB 1807, et al.
Matthew J. England Memorial Highway, HB 1807, et al.
Staff Sergeant Norman J. Inman Memorial Highway, HB 1807, et al.
Darrell B. Roegner Memorial Highway, HB 1807, et al. merged with SB 480.
Trooper Fred F. Guthrie Jr. Memorial Highway, HB 1807, et al. merged with SB 480.
Christopher S. 'Kit' Bond Highway, HB 1807, et al.
AMVETS Memorial Highway, HB 1807, et al.
Purple Heart Trail, SB 480.
Harriett Woods Memorial Highway, HB 1807, et al.

OA Revision Bill, HB 1900

Obamacare Health Benefit Exchanges, SB 464 (Referendum)

Public Holidays

Vietnam Veterans Day , HB 1128
Veterans of Operation Iraq/Enduring Freedom Day, HB 1128

Special License Plates

Missouri Junior Golf Foundation--Building the Future, HB 1807, et al.
Navy Cross, HB 1807, et al.
Breast Cancer Awareness, HB 1807, et al.
Cass County--The Burnt District , HB 1807, et al.
Don't Tread on Me, HB 1141 merged with HB 1807, et al.
I HAVE A DREAM, HB 1807, et al.
National Wild Turkey Federation, HB 1807, et al. § 301.4044 and SB 480 § 301.4036
GO TEAM USA, HB 1807, et al. § 301.4039
PROUD SUPPORTER (American Red Cross), HB 1807, et al. § 301.4040 and SB 480 § 301.4040
Pony Express, HB 1807, et al. § 301.4042
National Rifle Association, HB 1807, et al. § 301.4045 and SB 480 § 1

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TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
3.060	Vetoed	HB 1900	21.771	New	SB 636
3.070	Vetoed	HB 1900	21.795	Amended	HB 1402
8.110	Vetoed	HB 1900	23.140	Amended	HB 1029
8.115	Vetoed	HB 1900	23.150	Amended	HB 1029
8.180	Vetoed	HB 1900	23.160	Amended	HB 1029
8.200	Vetoed	HB 1900	23.170	Amended	HB 1029
8.260	Vetoed	HB 1900	23.180	Amended	HB 1029
8.310	Vetoed	HB 1900	23.190	Amended	HB 1029
8.315	Vetoed	HB 1900	23.200	Repealed	HB 1029
8.316	Vetoed	HB 1900	23.265	Amended	HB 1029
8.320	Vetoed	HB 1900	29.205	Amended	SB 576
8.325	Vetoed	HB 1900	29.380	New	HB 1251
8.330	Vetoed	HB 1900	30.270	Amended	HB 1308
8.340	Vetoed	HB 1900	30.270	Vetoed	SB 635
8.350	Vetoed	HB 1900	32.056	Amended	SB 628
8.360	Vetoed	HB 1900	32.056	Amended	SB 636
8.800	Vetoed	HB 1900	32.087	Vetoed	HB 1329
8.830	Vetoed	HB 1900	33.710	Vetoed	HB 1900
8.843	Vetoed	HB 1900	33.750	Vetoed	HB 1900
9.085	New	HB 1128	33.752	Vetoed	HB 1900
9.086	New	HB 1128	33.753	Vetoed	HB 1900
21.771	New	SB 628	33.756	Vetoed	HB 1900

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
34.031	Vetoed	HB 1900	37.390	Repealed	HB 1608
34.070	Amended	HB 1231	37.500	Repealed	HB 1608
34.070	Vetoed	SB 635	37.920	New	HB 1094
34.225	Vetoed	HB 1900	40.435	Vetoed	SB 715
37.005	Vetoed	HB 1900	41.050	Amended	HB 1105
37.005	Amended	SB 562	41.050	Vetoed	SB 715
37.007	New	HB 1094	41.595	New	HB 1128
37.010	Vetoed	HB 1900	41.596	New	HB 1128
37.013	Vetoed	HB 1900	41.597	New	HB 1128
37.014	Vetoed	HB 1900	41.1005	New	HB 1315
37.016	Vetoed	HB 1900	42.014	Repealed	HB 1608
37.020	Vetoed	HB 1900	42.015	Repealed	HB 1608
37.110	Vetoed	HB 1900	42.300	Amended	HB 1731
37.115	Repealed	HB 1608	43.260	Amended	HB 1424
37.125	Repealed	HB 1608	43.265	Amended	HB 1424
37.300	Repealed	HB 1608	49.101	New	HB 1340
37.310	Repealed	HB 1608	50.332	Amended	HB 1106
37.320	Repealed	HB 1608	50.660	Amended	SB 729
37.330	Repealed	HB 1608	50.783	Amended	SB 729
37.340	Repealed	HB 1608	50.1130	Amended	SB 625
37.360	Repealed	HB 1608	50.1140	Amended	SB 625
37.370	Repealed	HB 1608	52.010	Amended	HB 1106

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
52.320	Amended	HB 1106	67.1360	Amended	HB 1504
54.033	Amended	HB 1106	67.1421	Amended	SB 480
54.330	Amended	HB 1106	67.1422	New	SB 480
57.280	Amended	SB 628	67.1561	Amended	SB 480
59.319	Amended	HB 1251	67.1706	Amended	HB 1504
60.510	Amended	HB 1251	67.1712	Amended	HB 1504
60.530	Amended	HB 1251	67.1715	Amended	HB 1504
60.540	Amended	HB 1251	67.1721	Amended	HB 1504
60.560	Amended	HB 1251	67.1742	Amended	HB 1504
60.570	Amended	HB 1251	67.1754	Amended	HB 1504
60.580	Amended	HB 1251	67.1860	Vetoed	SB 569
60.590	Amended	HB 1251	67.1862	Vetoed	SB 569
60.595	Amended	HB 1251	67.1864	Vetoed	SB 569
60.610	Amended	HB 1251	67.1866	Vetoed	SB 569
60.620	Amended	HB 1251	67.1868	Vetoed	SB 569
67.085	Amended	HB 1400	67.1870	Vetoed	SB 569
67.136	New	SB 628	67.1872	Vetoed	SB 569
67.320	Amended	HB 1171	67.1874	Vetoed	SB 569
67.320	Amended	SB 636	67.1878	Vetoed	SB 569
67.548	Amended	SB 480	67.1880	Vetoed	SB 569
67.750	Amended	HB 1504	67.1886	Vetoed	SB 569
67.1305	Amended	SB 628	67.1888	Vetoed	SB 569

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
67.1890	Vetoed	SB 569	67.5026	New	HB 1504
67.1892	Vetoed	SB 569	67.5028	New	HB 1504
67.1894	Vetoed	SB 569	67.5030	New	HB 1504
67.1896	Vetoed	SB 569	67.5032	New	HB 1504
67.1898	Vetoed	SB 569	67.5034	New	HB 1504
67.2010	Amended	SB 628	67.5036	New	HB 1504
67.2500	Amended	HB 1504	67.5038	New	HB 1504
67.2510	Amended	HB 1504	70.441	Amended	HB 1402
67.4505	Amended	HB 1251	70.441	Amended	SB 480
67.5000	New	HB 1504	70.441	Amended	SB 636
67.5002	New	HB 1504	70.695	Amended	HB 1039
67.5004	New	HB 1504	71.012	Vetoed	HB 1900
67.5006	New	HB 1504	71.014	Vetoed	HB 1900
67.5008	New	HB 1504	71.015	Vetoed	HB 1900
67.5010	New	HB 1504	71.625	Amended	HB 1504
67.5012	New	HB 1504	72.401	Amended	SB 665
67.5014	New	HB 1504	77.080	Vetoed	HB 1250
67.5016	New	HB 1504	77.085	Vetoed	HB 1250
67.5018	New	HB 1504	78.090	Vetoed	HB 1250
67.5020	New	HB 1504	78.090	Vetoed	SB 569
67.5022	New	HB 1504	79.070	Vetoed	SB 569
67.5024	New	HB 1504	92.338	Amended	HB 1504

TABLE OF SECTIONS AFFECTED
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2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
94.700	Amended	SB 568	137.016	Amended	HB 1818
99.845	Vetoed	HB 1900	137.076	Amended	HB 1818
99.845	Vetoed	SB 569	137.556	Amended	SB 736
99.845	Amended	SB 769	141.210	Amended	HB 1659
103.078	New	HB 1576	141.220	Amended	HB 1659
104.603	Amended	SB 625	141.250	Amended	HB 1659
104.1091	Amended	SB 625	141.290	Amended	HB 1659
115.091	Vetoed	SB 569	141.300	Amended	HB 1659
115.123	Amended	HB 1036	141.320	Amended	HB 1659
115.123	Vetoed	HB 1250	141.410	Amended	HB 1659
115.123	Vetoed	SB 569	141.480	Amended	HB 1659
115.241	Repealed	HB 1036	141.530	Amended	HB 1659
115.241	Vetoed	SB 569	141.540	Amended	HB 1659
115.315	Amended	HB 1236	141.550	Amended	HB 1659
115.327	Amended	HB 1236	141.560	Amended	HB 1659
115.342	Amended	HB 1106	141.570	Amended	HB 1659
115.637	Vetoed	SB 569	141.580	Amended	HB 1659
135.215	Amended	SB 769	141.720	Amended	HB 1659
135.953	Amended	SB 628	141.770	Amended	HB 1659
135.963	Amended	SB 769	141.785	New	HB 1659
135.1150	Amended	HB 1172	141.790	Amended	HB 1659
135.1180	New	HB 1172	141.980	New	HB 1659

**TABLE OF SECTIONS AFFECTED
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
141.981	New	HB 1659	144.030	Amended	SB 480
141.982	New	HB 1659	144.069	Vetoed	HB 1329
141.983	New	HB 1659	144.072	Vetoed	HB 1329
141.984	New	HB 1659	144.190	Amended	HB 1504
141.985	New	HB 1659	144.757	Vetoed	HB 1329
141.988	New	HB 1659	144.805	Amended	HB 1504
141.991	New	HB 1659	144.805	Amended	HB 1909
141.994	New	HB 1659	160.261	Amended	SB 599
141.997	New	HB 1659	160.375	Repealed	HB 1608
141.1000	New	HB 1659	160.400	Amended	SB 576
141.1003	New	HB 1659	160.403	New	SB 576
141.1006	New	HB 1659	160.405	Amended	SB 576
141.1009	New	HB 1659	160.410	Amended	SB 576
141.1012	New	HB 1659	160.415	Amended	SB 576
141.1015	New	HB 1659	160.417	New	SB 576
142.031	Amended	HB 1462	160.420	Amended	SB 576
142.932	Amended	HB 1402	160.425	New	SB 576
142.932	Amended	SB 470	160.522	Amended	SB 599
143.173	Amended	HB 1661	160.542	Repealed	HB 1608
143.1009	Amended	HB 1807	160.545	Vetoed	HB 1900
144.030	Amended	HB 1402	160.950	Repealed	HB 1608
144.030	Amended	SB 470	160.1990	New	HB 1577

TABLE OF SECTIONS AFFECTED
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
161.182	Repealed	HB 1608	162.1010	Repealed	HB 1608
161.215	Amended	HB 1731	162.1168	Repealed	HB 1608
161.216	New	HB 1731	163.024	New	SB 599
161.235	Repealed	HB 1608	163.024	Vetoed	SB 635
161.418	Vetoed	HB 1900	166.415	Amended	SB 563
161.424	Vetoed	HB 1900	167.121	Vetoed	HB 1789
161.800	Repealed	HB 1608	167.229	Repealed	HB 1608
161.870	Vetoed	HB 1900	167.290	Repealed	HB 1608
161.900	Vetoed	HB 1900	167.292	Repealed	HB 1608
161.905	Vetoed	HB 1900	167.294	Repealed	HB 1608
161.910	Vetoed	HB 1900	167.296	Repealed	HB 1608
161.915	Vetoed	HB 1900	167.298	Repealed	HB 1608
161.920	Vetoed	HB 1900	167.300	Repealed	HB 1608
161.925	Vetoed	HB 1900	167.302	Repealed	HB 1608
161.930	Vetoed	HB 1900	167.304	Repealed	HB 1608
161.935	Vetoed	HB 1900	167.306	Repealed	HB 1608
161.940	Vetoed	HB 1900	167.308	Repealed	HB 1608
161.945	Vetoed	HB 1900	167.310	Repealed	HB 1608
162.431	Vetoed	HB 1789	167.320	Repealed	HB 1608
162.481	Amended	SB 450	167.322	Repealed	HB 1608
162.961	Amended	SB 595	167.324	Repealed	HB 1608
162.962	Amended	SB 595	167.326	Repealed	HB 1608

TABLE OF SECTIONS AFFECTED
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
167.328	Repealed	HB 1608	173.053	Repealed	HB 1608
167.330	Repealed	HB 1608	173.055	Repealed	HB 1608
167.332	Repealed	HB 1608	173.198	Repealed	HB 1608
167.635	New	HB 1188	173.199	Repealed	HB 1608
168.430	Repealed	HB 1608	173.267	Repealed	HB 1608
168.550	Repealed	HB 1608	173.300	Amended	SB 563
168.555	Repealed	HB 1608	173.480	New	SB 563
168.560	Repealed	HB 1608	173.500	Repealed	HB 1608
168.565	Repealed	HB 1608	173.510	Repealed	HB 1608
168.570	Repealed	HB 1608	173.515	Repealed	HB 1608
168.575	Repealed	HB 1608	173.520	Repealed	HB 1608
168.580	Repealed	HB 1608	173.525	Repealed	HB 1608
168.585	Repealed	HB 1608	173.530	Repealed	HB 1608
168.590	Repealed	HB 1608	173.535	Repealed	HB 1608
168.595	Repealed	HB 1608	173.545	Repealed	HB 1608
168.600	Repealed	HB 1608	173.550	Repealed	HB 1608
169.580	Repealed	HB 1608	173.555	Repealed	HB 1608
170.254	Repealed	HB 1608	173.560	Repealed	HB 1608
170.310	New	SB 599	173.565	Repealed	HB 1608
172.803	Amended	SB 563	173.606	Amended	HB 1042
173.005	Amended	HB 1042	173.608	Amended	HB 1042
173.040	Amended	HB 1042	173.612	Amended	HB 1042

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
173.614	Amended	HB 1042	191.724	New - *	SB 749
173.616	Amended	HB 1042	191.727	Repealed	HB 1608
173.618	Amended	HB 1042	191.733	Repealed	HB 1608
173.670	New	SB 563	191.735	Repealed	HB 1608
173.724	Repealed	HB 1608	191.741	Repealed	HB 1608
173.727	Repealed	HB 1608	191.745	Repealed	HB 1608
173.1400	New	HB 1563	191.850	Vetoed	HB 1900
173.1400	New	SB 563	191.853	Vetoed	HB 1900
174.332	Amended	HB 1042	191.855	Vetoed	HB 1900
174.332	Amended	SB 563	191.857	Vetoed	HB 1900
174.450	Amended	HB 1042	191.858	Vetoed	HB 1900
174.450	Amended	SB 563	191.859	Vetoed	HB 1900
177.011	Amended	SB 563	191.861	Vetoed	HB 1900
177.011	Amended	SB 665	191.863	Vetoed	HB 1900
178.530	Amended	SB 599	191.865	Vetoed	HB 1900
178.530	Amended	SB 631	191.867	Vetoed	HB 1900
178.530	Vetoed	SB 635	191.909	Repealed	HB 1608
181.110	Vetoed	HB 1900	192.640	Repealed	HB 1608
182.802	Amended	HB 1504	192.642	Repealed	HB 1608
190.335	Amended	HB 1647	192.644	Repealed	HB 1608
191.390	Repealed	HB 1608	192.729	Repealed	HB 1608
191.425	Amended	HB 1608	192.935	Vetoed	HB 1900

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
193.295	Repealed	HB 1608	208.315	Repealed	HB 1608
193.305	Repealed	HB 1608	208.335	Repealed	HB 1608
195.060	Amended	HB 1563	208.500	Repealed	HB 1608
195.080	Amended	HB 1563	208.503	Repealed	HB 1608
195.222	Amended	SB 628	208.505	Repealed	HB 1608
195.223	Amended	SB 628	208.507	Repealed	HB 1608
196.1103	Vetoed	HB 1900	208.612	Repealed	HB 1608
198.086	Repealed	HB 1608	208.615	Repealed	HB 1608
198.527	Amended	HB 1608	208.700	Repealed	HB 1608
198.531	Repealed	HB 1608	208.705	Repealed	HB 1608
205.042	Amended	HB 1094	208.710	Repealed	HB 1608
207.150	Repealed	HB 1608	208.715	Repealed	HB 1608
208.044	Amended	HB 1323	208.720	Repealed	HB 1608
208.053	New	HB 1323	209.015	Vetoed	HB 1900
208.153	Amended	HB 1608	209.150	Vetoed	HB 1900
208.178	Amended	HB 1608	209.152	Vetoed	HB 1900
208.179	Repealed	HB 1608	209.200	Vetoed	HB 1900
208.192	Repealed	HB 1608	209.202	Vetoed	HB 1900
208.202	Repealed	HB 1608	209.251	Vetoed	HB 1900
208.309	Repealed	HB 1608	210.135	Amended	HB 1323
208.311	Repealed	HB 1608	210.145	Amended	HB 1323
208.313	Repealed	HB 1608	210.211	Amended	HB 1323

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
210.245	Amended	HB 1323	227.501	New	HB 1807
210.539	New	HB 1576	227.503	New	HB 1807
211.031	Amended	HB 1171	227.505	New	HB 1807
211.031	Amended	SB 628	227.506	New	HB 1807
211.031	Amended	SB 636	227.508	New	HB 1807
213.010	Vetoed	HB 1219	227.509	New	HB 1807
213.111	Vetoed	HB 1219	227.509	New	SB 480
213.200	Vetoed	HB 1219	227.510	New	HB 1807
217.105	Repealed	HB 1608	227.510	New	SB 480
217.147	New	HB 1525	227.511	New	HB 1807
217.378	Repealed	HB 1608	227.512	New	HB 1807
217.575	Vetoed	HB 1900	227.513	New	SB 480
217.670	Amended	SB 636	227.514	New	HB 1807
217.703	New	HB 1525	228.341	New	HB 1103
217.718	New	HB 1525	228.341	Vetoed	SB 635
221.105	Amended	HB 1525	228.368	Amended	HB 1103
226.500	Amended	HB 1402	228.368	Vetoed	SB 635
226.541	New	HB 1402	228.369	New	HB 1103
226.541	Vetoed	SB 607	228.369	Vetoed	SB 635
227.307	New	HB 1807	228.374	New	HB 1103
227.394	New	HB 1807	228.374	Vetoed	SB 635
227.395	New	HB 1807	233.280	Amended	HB 1037

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
251.100	Vetoed	HB 1900	260.392	Amended	SB 480
251.240	Vetoed	HB 1900	261.010	Vetoed	HB 1900
253.320	Vetoed	HB 1900	261.105	Repealed	HB 1608
256.400	Amended	HB 1179	261.110	Repealed	HB 1608
256.433	New	HB 1179	261.120	Repealed	HB 1608
259.010	Amended	HB 1251	262.255	New	SB 631
259.010	Amended	HB 1647	262.460	Repealed	HB 1608
259.020	Amended	HB 1251	276.401	Amended	SB 631
259.020	Amended	HB 1647	285.304	Amended	HB 1131
259.030	Amended	HB 1251	287.067	Vetoed	SB 572
259.030	Amended	HB 1647	287.120	Amended	HB 1540
259.040	Amended	HB 1251	287.120	Vetoed	SB 572
259.040	Amended	HB 1647	287.150	Vetoed	SB 572
259.070	Amended	HB 1251	287.240	Vetoed	SB 572
259.070	Amended	HB 1647	287.450	Amended	HB 1540
260.255	Repealed	HB 1251	287.460	Amended	HB 1540
260.330	Amended	HB 1251	287.520	Amended	HB 1540
260.373	New	HB 1251	287.650	Amended	HB 1540
260.373	New	HB 1647	287.655	Amended	HB 1540
260.392	Amended	HB 1251	288.034	Vetoed	HB 1900
260.392	Amended	HB 1647	292.606	Amended	HB 1251
260.392	Amended	SB 470	292.606	Amended	HB 1647

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
292.655	New	HB 1647	301.216	New	HB 1402
301.010	Amended	HB 1251	301.218	Amended	HB 1402
301.010	Amended	HB 1402	301.227	Amended	HB 1150
301.010	Amended	HB 1647	301.260	Amended	HB 1402
301.010	Amended	HB 1807	301.260	Amended	HB 1807
301.010	Amended	SB 470	301.280	Amended	HB 1402
301.010	Amended	SB 480	301.449	Amended	SB 480
301.020	Vetoed	HB 1900	301.449	Amended	SB 563
301.032	Amended	HB 1402	301.473	New	HB 1807
301.069	Amended	HB 1402	301.559	Amended	HB 1402
301.140	Vetoed	HB 1329	301.560	Amended	HB 1402
301.140	Amended	HB 1402	301.562	Amended	HB 1402
301.140	Amended	SB 470	301.567	Amended	HB 1402
301.140	Amended	SB 568	301.570	Amended	HB 1402
301.140	Amended	SB 611	301.580	New	HB 1402
301.143	Vetoed	HB 1900	301.580	New	SB 470
301.147	Amended	SB 470	301.600	Amended	HB 1150
301.147	Amended	SB 568	301.600	Amended	HB 1402
301.190	Amended	HB 1150	301.600	Amended	SB 485
301.190	Amended	SB 568	301.600	Vetoed	SB 635
301.193	Amended	HB 1150	301.3052	New	HB 1807
301.193	Amended	SB 568	301.3084	Amended	HB 1807

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
301.3150	Amended	SB 480	302.304	Amended	SB 480
301.3150	Amended	SB 563	302.309	Amended	HB 1402
301.3161	Amended	HB 1807	302.309	Amended	SB 480
301.3161	Amended	SB 480	302.341	Amended	HB 1402
301.3163	Amended	HB 1141	302.341	Amended	SB 470
301.3163	Amended	HB 1807	302.341	Amended	SB 480
301.3165	New	HB 1807	302.341	Amended	SB 568
301.4036	New	SB 480	302.525	Amended	SB 480
301.4039	New	HB 1807	302.530	Amended	HB 1402
301.4040	New	HB 1807	302.700	Amended	HB 1402
301.4040	New	SB 480	302.700	Amended	SB 470
301.4042	New	HB 1807	302.700	Amended	SB 480
301.4044	New	HB 1807	302.700	Amended	SB 568
301.4045	New	HB 1807	302.768	New	HB 1402
302.010	Amended	HB 1402	302.768	New	SB 470
302.060	Amended	HB 1402	302.768	New	SB 480
302.060	Amended	SB 480	302.768	New	SB 568
302.130	Amended	HB 1402	303.200	Amended	HB 1402
302.171	Vetoed	HB 1900	303.200	Amended	SB 470
302.173	Amended	SB 719	303.200	Amended	SB 480
302.185	Amended	SB 470	304.022	Amended	SB 470
302.188	New	SB 470	304.022	Amended	SB 568

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
304.022	Amended	SB 611	306.127	Amended	SB 719
304.028	Vetoed	HB 1900	306.400	Amended	HB 1150
304.033	New	HB 1251	306.400	Amended	HB 1402
304.033	New	HB 1402	306.400	Amended	SB 485
304.033	New	HB 1647	306.400	Vetoed	SB 635
304.033	New	HB 1807	306.532	Amended	SB 480
304.033	New	SB 470	306.532	Amended	SB 568
304.033	New	SB 480	306.532	Amended	SB 719
304.120	Amended	HB 1251	307.365	Amended	HB 1402
304.120	Amended	HB 1402	311.087	Repealed	HB 1498
304.120	Amended	SB 470	311.089	Amended	HB 1498
304.120	Amended	SB 480	311.090	Amended	HB 1498
304.180	Amended	SB 470	311.093	Repealed	HB 1498
304.180	Amended	SB 568	311.097	Repealed	HB 1498
304.180	Amended	SB 631	311.098	Repealed	HB 1498
304.190	Amended	HB 1402	311.102	Repealed	HB 1498
304.190	Amended	SB 470	311.104	Repealed	HB 1498
304.190	Amended	SB 568	311.174	Amended	HB 1498
304.289	New	HB 1402	311.176	Amended	HB 1498
304.289	New	SB 611	311.178	Amended	HB 1498
306.127	Amended	HB 1402	311.179	New	HB 1498
306.127	Amended	SB 568	311.196	Amended	HB 1498

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
311.205	New	HB 1498	334.125	Vetoed	HB 1900
311.273	Repealed	HB 1498	334.153	New	SB 682
311.293	Amended	HB 1498	334.747	Amended	HB 1563
311.481	Repealed	HB 1498	337.300	Amended	HB 1563
311.485	Amended	HB 1498	337.305	Amended	HB 1563
311.486	Amended	HB 1498	337.310	Amended	HB 1563
311.650	Vetoed	HB 1900	337.315	Amended	HB 1563
313.210	Vetoed	HB 1900	337.325	Amended	HB 1563
313.807	Amended	HB 1644	337.345	Repealed	HB 1563
313.835	Amended	HB 1731	337.347	New	HB 1563
320.106	Amended	HB 1647	337.647	New	HB 1563
320.106	Amended	SB 835	337.647	New	SB 563
320.131	Amended	HB 1647	338.315	Amended	HB 1563
320.131	Amended	SB 835	338.320	New	HB 1563
320.136	Amended	HB 1647	338.320	New	HB 1827
320.136	Amended	SB 835	338.333	Amended	HB 1563
320.260	Vetoed	HB 1900	339.500	Amended	HB 1103
321.228	New	HB 1647	339.500	Vetoed	SB 635
321.228	New	SB 769	339.501	Amended	HB 1103
321.460	Amended	HB 1647	339.501	Vetoed	SB 635
322.005	Vetoed	SB 566	339.503	Amended	HB 1103
334.104	Amended	HB 1563	339.503	Vetoed	SB 635

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
339.505	Amended	HB 1103	339.535	Amended	HB 1103
339.505	Vetoed	SB 635	339.535	Vetoed	SB 635
339.509	Amended	HB 1103	339.537	Amended	HB 1103
339.509	Vetoed	SB 635	339.537	Vetoed	SB 635
339.511	Amended	HB 1103	339.541	Amended	HB 1103
339.511	Vetoed	SB 635	339.541	Vetoed	SB 635
339.513	Amended	HB 1103	339.543	Amended	HB 1103
339.513	Vetoed	SB 635	339.543	Vetoed	SB 635
339.515	Amended	HB 1103	339.545	Amended	HB 1103
339.515	Vetoed	SB 635	339.545	Vetoed	SB 635
339.517	Amended	HB 1103	339.549	Amended	HB 1103
339.517	Vetoed	SB 635	339.549	Vetoed	SB 635
339.525	Amended	HB 1103	339.1100	Repealed	HB 1103
339.525	Vetoed	SB 635	339.1100	Vetoed	SB 635
339.527	Amended	HB 1103	339.1105	Repealed	HB 1103
339.527	Vetoed	SB 635	339.1105	Vetoed	SB 635
339.529	Amended	HB 1103	339.1110	Repealed	HB 1103
339.529	Vetoed	SB 635	339.1110	Vetoed	SB 635
339.532	Amended	HB 1103	339.1115	Repealed	HB 1103
339.532	Vetoed	SB 635	339.1115	Vetoed	SB 635
339.533	Amended	HB 1103	339.1120	Repealed	HB 1103
339.533	Vetoed	SB 635	339.1120	Vetoed	SB 635

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
339.1125	Repealed	HB 1103	339.1185	Repealed	HB 1103
339.1125	Vetoed	SB 635	339.1185	Vetoed	SB 635
339.1130	Repealed	HB 1103	339.1190	Repealed	HB 1103
339.1130	Vetoed	SB 635	339.1190	Vetoed	SB 635
339.1135	Repealed	HB 1103	339.1200	Repealed	HB 1103
339.1135	Vetoed	SB 635	339.1200	Vetoed	SB 635
339.1140	Repealed	HB 1103	339.1205	Repealed	HB 1103
339.1140	Vetoed	SB 635	339.1205	Vetoed	SB 635
339.1145	Repealed	HB 1103	339.1210	Repealed	HB 1103
339.1145	Vetoed	SB 635	339.1210	Vetoed	SB 635
339.1150	Repealed	HB 1103	339.1215	Repealed	HB 1103
339.1150	Vetoed	SB 635	339.1215	Vetoed	SB 635
339.1155	Repealed	HB 1103	339.1220	Repealed	HB 1103
339.1155	Vetoed	SB 635	339.1220	Vetoed	SB 635
339.1160	Repealed	HB 1103	339.1230	Repealed	HB 1103
339.1160	Vetoed	SB 635	339.1230	Vetoed	SB 635
339.1170	Repealed	HB 1103	339.1235	Repealed	HB 1103
339.1170	Vetoed	SB 635	339.1235	Vetoed	SB 635
339.1175	Repealed	HB 1103	339.1240	Repealed	HB 1103
339.1175	Vetoed	SB 635	339.1240	Vetoed	SB 635
339.1180	Repealed	HB 1103	350.015	Amended	SB 631
339.1180	Vetoed	SB 635	350.017	New	SB 631

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
361.010	Vetoed	HB 1900	387.139	New	SB 470
361.070	Amended	HB 1400	387.207	Amended	HB 1402
361.080	Amended	HB 1400	387.207	Amended	SB 470
362.333	Vetoed	SB 635	387.355	New	HB 1402
375.993	Amended	HB 1495	387.355	New	SB 470
376.010	Amended	HB 1112	390.051	Amended	HB 1402
376.015	Amended	HB 1112	390.051	Amended	SB 470
376.307	Amended	HB 1112	390.054	New	HB 1402
376.1186	New -- **	SB 464	390.054	New	SB 470
376.1199	Amended-*	SB 749	390.061	Amended	HB 1402
386.510	Amended	SB 628	390.061	Amended	SB 470
387.040	Amended	HB 1402	390.063	Amended	HB 1402
387.040	Amended	SB 470	390.116	Amended	HB 1402
387.050	Amended	HB 1402	390.116	Amended	SB 470
387.050	Amended	SB 470	390.201	Amended	HB 1402
387.080	Amended	HB 1402	390.280	Amended	HB 1402
387.080	Amended	SB 470	390.280	Amended	SB 470
387.110	Amended	HB 1402	392.415	New	HB 1108
387.110	Amended	SB 470	400.9.311	Amended	HB 1400
387.137	New	HB 1402	400.9.311	Amended	SB 485
387.137	New	SB 470	400.9.311	Amended	SB 628
387.139	New	HB 1402	400.9.311	Vetoed	SB 635

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
400.9.311	Amended	SB 636	430.082	Amended	SB 485
407.400	Vetoed	SB 837	430.240	Amended	SB 485
407.489	Amended	SB 498	452.374	New	SB 628
407.1095	Amended	HB 1549	452.398	Vetoed	HB 1758
407.1098	Amended	HB 1549	453.005	Vetoed	HB 1758
407.1101	Amended	HB 1549	453.322	Repealed	HB 1608
407.1104	Amended	HB 1549	453.325	Repealed	HB 1608
407.1107	Amended	HB 1549	456.950	Amended	SB 628
407.1355	Amended	HB 1318	456.950	Amended	SB 636
408.052	Amended	HB 1400	456.8.808	Amended	SB 628
414.530	Amended	HB 1251	475.375	Repealed	HB 1647
414.530	Amended	HB 1647	476.055	Amended	HB 1460
414.560	Amended	HB 1251	476.055	Amended	SB 628
414.560	Amended	HB 1647	476.055	Amended	SB 636
414.570	Amended	HB 1251	476.415	Repealed	HB 1608
414.570	Amended	HB 1647	479.011	Amended	SB 628
421.028	Repealed	HB 1608	479.040	Amended	SB 628
430.020	Amended	HB 1150	479.040	Amended	SB 636
430.020	Amended	HB 1909	483.015	Amended	SB 628
430.020	Amended	SB 485	483.015	Amended	SB 636
430.082	Amended	HB 1150	488.650	New	HB 1647
430.082	Amended	HB 1909	488.5026	Amended	HB 1647

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
488.5026	Amended	SB 628	537.345	Amended	SB 628
488.5050	Amended	SB 789	537.346	Amended	SB 628
488.5375	New	SB 628	537.351	New	SB 628
491.075	Amended	SB 628	537.528	Amended	SB 628
508.050	Amended	SB 628	537.850	New	SB 631
508.050	Amended	SB 636	537.856	New	SB 631
513.430	Amended	HB 1527	537.859	New	SB 631
513.430	Amended	SB 628	542.301	Amended	SB 628
513.440	Amended	HB 1527	544.046	Amended	HB 1402
513.440	Amended	SB 628	544.456	New	HB 1323
513.653	Amended	SB 628	558.019	Amended	SB 628
523.010	Amended	SB 628	559.016	Amended	HB 1525
523.010	Amended	SB 636	559.036	Amended	HB 1525
536.032	New	HB 1135	559.100	Amended	HB 1525
536.032	New	SB 469	559.115	Amended	HB 1525
536.041	Amended	HB 1135	559.117	New	HB 1318
536.041	Amended	SB 469	561.026	Amended	HB 1647
536.175	New	HB 1135	565.072	Amended	SB 628
536.175	New	SB 469	565.073	Amended	SB 628
536.325	Amended	HB 1135	565.074	Amended	SB 628
536.325	Amended	SB 469	565.081	Amended	HB 1647
537.033	New	HB 1280	565.082	Amended	HB 1647

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
565.083	Amended	HB 1647	595.037	Vetoed	HB 1900
565.182	Amended	SB 689	595.060	Vetoed	HB 1900
566.083	Amended	SB 628	610.029	Vetoed	HB 1900
568.060	Amended	SB 628	610.120	Vetoed	HB 1900
569.100	Amended	SB 628	610.140	New	HB 1647
570.145	Amended	SB 689	620.515	Amended	HB 1680
571.020	Amended	HB 1647	620.1100	Vetoed	HB 1900
571.020	Amended	SB 489	620.1580	Vetoed	HB 1900
571.030	Amended	HB 1647	620.2400	New	SB 563
571.037	New	HB 1647	621.250	Amended	HB 1251
571.092	New	HB 1647	621.253	New	SB 595
571.101	Amended	HB 1647	621.255	New	SB 595
571.111	Amended	HB 1647	621.275	Vetoed	HB 1900
571.111	Amended	SB 489	630.170	Amended	HB 1318
571.117	Amended	HB 1647	630.945	New	HB 1318
574.035	New	SB 755	632.501	Amended	HB 1318
577.023	Amended	SB 480	633.180	Repealed	HB 1608
577.073	Amended	HB 1251	633.185	Repealed	HB 1608
577.073	Amended	SB 719	640.018	Amended	HB 1251
578.005	Amended	SB 631	640.100	Amended	HB 1251
578.013	New	SB 631	643.130	Amended	HB 1251
595.036	Vetoed	HB 1900	643.225	Amended	HB 1251

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
643.320	Amended	HB 1402	660.541	Repealed	HB 1608
644.016	Amended	HB 1251	660.543	Repealed	HB 1608
644.026	Amended	HB 1251	660.545	Repealed	HB 1608
644.051	Amended	HB 1251	660.725	Repealed	HB 1608
644.071	Amended	HB 1251	701.550	New	HB 1251
644.145	Amended	HB 1251	701.550	New	HB 1647
650.055	Amended	SB 789	701.550	New	HB 1909
650.100	Amended	SB 789	701.550	New	SB 769
650.230	Amended	HB 1251	1	New	HB 1647
650.230	Amended	HB 1647	1	New	HB 1731
660.016	Repealed	HB 1608	1	Vetoed	HB 1789
660.019	Repealed	HB 1608	1	New	HB 1820
660.020	Repealed	HB 1608	1	New	SB 480
660.021	Repealed	HB 1608	1	New	SB 563
660.315	Amended	HB 1563	1	New	SB 599
660.315	Vetoed	HB 1900	1	New	SB 628
660.530	Repealed	HB 1608	1	New	SB 631
660.532	Repealed	HB 1608	1	Vetoed	SB 635
660.534	Repealed	HB 1608	1	New	SB 665
660.535	Repealed	HB 1608	1	New	SB 769
660.537	Repealed	HB 1608	2	New	HB 1731
660.539	Repealed	HB 1608	2	New	HB 1820

TABLE OF SECTIONS AFFECTED
BY
2012 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
2	New	SB 563	9	New	SB 665
2	New	SB 628	10	New	HB 1820
2	New	SB 631	10	New	SB 665
2	New	SB 665	11	New	HB 1820
3	New	HB 1820	11	New	SB 665
3	New	SB 563	12	New	HB 1820
3	New	SB 665	12	New	SB 665
4	New	HB 1820	13	New	HB 1820
4	New	SB 563	13	New	SB 665
4	New	SB 665	14	New	HB 1820
5	New	HB 1820	15	New	HB 1820
5	New	SB 665	16	New	HB 1820
6	New	HB 1820	17	New	HB 1820
6	New	SB 665	18	New	HB 1820
7	New	HB 1820	19	New	HB 1820
7	New	SB 665	20	New	HB 1820
8	New	HB 1820	21	New	HB 1820
8	New	SB 665	22	New	HB 1820
9	New	HB 1820			

* Senate Bill 749 was vetoed on 7-12-12 and overridden on 9-12-12.

** Senate Bill 464 subject to a referendum vote of the people on November 6, 2012.

HB 2001 [SS HCS HB 2001]

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

APPROPRIATIONS: 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, Third State Building 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, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2012 and ending June 30, 2013; provided that no funds of these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013 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	\$20,002E
From Bond Proceeds Funds	E
Total	\$20,004

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	\$4,034,596E
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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	\$12,550,204E
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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	\$34,946,982E
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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	2,425,404E
Total	\$37,372,386

SECTION 1.025. — To the Board of Fund Commissioners
 For payment of interest and sinking fund requirements on water pollution
 control bonds currently outstanding as provided by law
 From Water Pollution Control Bond and Interest Fund

	\$28,868,520E
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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

	\$6,167,350
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SECTION 1.035. — To the Board of Fund Commissioners
 For payment of interest and sinking fund requirements on stormwater
 control bonds currently outstanding as provided by law
 From Stormwater Control Bond and Interest Fund

	\$5,956,100
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SECTION 1.040. — To the Board of Fund Commissioners
 For payment of interest and sinking fund requirements on third state
 building bonds currently outstanding as provided by law
 From Third State Building Bond Interest and Sinking Fund

	\$5,618,100
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Bill Totals

General Revenue Fund	\$45,168,930
Other Funds	2,425,406
Total	\$47,594,336

Approved June 22, 2012

HB 2002 [CCS SS SCS HCS HB 2002]

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

APPROPRIATIONS: 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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013 as follows:

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

Personal Service	\$1,788,876
Expense and Equipment	<u>115,929</u>
From General Revenue Fund	1,904,805
Personal Service	1,586,463
Expense and Equipment	<u>939,099</u>
From Federal Funds	<u>2,525,562</u>
Total (Not to exceed 72.80 F.T.E.)	\$4,430,367

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

From Federal and Other Funds	\$70,000
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SECTION 2.015. — To the Department of Elementary and Secondary Education
For distributions to the free public schools of \$3,318,915,528 under the
School Foundation Program as provided in Chapter 163, RSMo,
as follows:

For the Foundation Formula	\$3,009,388,411
For Transportation	99,797,713
For Early Childhood Special Education	144,660,376
For Vocational Education	50,069,028
For Early Childhood Development	15,000,000
From Outstanding Schools Trust Fund	652,247,395
From State School Moneys Fund	2,191,934,105
From Lottery Proceeds Fund	135,679,552
From Classroom Trust Fund	319,696,995
From Early Childhood Development, Education and Care Fund	19,357,481

For the Small Schools Program

From State School Moneys Fund	15,000,000
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For the Virtual Schools Program

From Lottery Proceeds Fund	390,000
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For State Board of Education operated school programs

Personal Service and/or Expense and Equipment, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment	
From General Revenue Fund	40,411,677
From Federal Funds	<u>8,695,972</u>

Expense and Equipment

From Bingo Proceeds for Education Fund	<u>1,876,355</u>
Total (Not to exceed 718.90 F.T.E.)	\$3,385,289,532

SECTION 2.016.— To the Department of Elementary and Secondary Education
For a math and science tutoring program in St. Louis City
From Lottery Proceeds Fund \$300,000

SECTION 2.017.— To the Department of Elementary and Secondary Education
For the purpose of funding a teaching program aimed at employing
teachers in underprivileged urban and metropolitan school districts
From Lottery Proceeds Fund \$1,000,000

SECTION 2.018.— To the Department of Elementary and Secondary Education
For the purpose of funding the Missouri Scholars and Fine Arts Academies
From State School Moneys Fund \$200,000

SECTION 2.019.— To the Department of Elementary and Secondary Education
For the purpose of funding educational programs for students who reside in the
Kansas City Public School District. Sixty percent (60%) of the funds
shall be used to support a research-based extended learning program
From Lottery Proceeds Fund \$100,000

SECTION 2.020.— To the Department of Elementary and Secondary Education
For School Board Member Training
From State School Moneys Fund \$136,326

SECTION 2.025.— To the Department of Elementary and Secondary Education
For Early Grade Literacy Programs offered at Southeast Missouri State University
From Federal Funds \$1
From Lottery Proceeds Fund 100,000
Total \$100,001

SECTION 2.030.— To the Department of Elementary and Secondary Education
For the School Food Services Program to reimburse schools for school food
programs
From General Revenue Fund \$3,412,151
From Federal Funds 256,585,652
Total \$259,997,803

SECTION 2.035.— To the Department of Elementary and Secondary Education
For distributions to the public elementary and secondary schools in this
state, pursuant to Chapters 144, 163, and 164, RSMo, pertaining
to the School District Trust Fund
From School District Trust Fund \$760,600,000

SECTION 2.040.— To the Department of Elementary and Secondary Education
For costs associated with school district bonds
From School District Bonds Fund \$392,000

SECTION 2.045.— To the Department of Elementary and Secondary Education
For the purpose of receiving and expending grants, donations, contracts,
and payments from private, federal, and other governmental agencies
which may become available between sessions of the General Assembly
provided that the General Assembly shall be notified of the source of any

new funds and the purpose for which they shall be expended, in writing,
prior to the use of said funds

From Federal and Other Funds	\$20,000,000
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SECTION 2.046.— To the Department of Elementary and Secondary Education
For the purpose of compensating eligible public school districts making
a payment under the provision of Section 160.459, RSMo.

From Rebuild Missouri Schools Fund	\$900,000
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SECTION 2.050.— To the Department of Elementary and Secondary Education
For the Division of Learning Services provided that no funds appropriated
under this section shall be used to support a Quality Rating System,
or any successor program, or staff for the development or
implementation of a Quality Rating System

Personal Service	\$3,210,336
Expense and Equipment	227,513
From General Revenue Fund	3,437,849
Personal Service	6,775,254
Expense and Equipment	5,586,479
From Federal Funds	12,361,733

Personal Service	255,358
Expense and Equipment	2,395,517
From Excellence in Education Fund	2,650,875

For the Office of Adult Learning and Rehabilitative Services

Personal Service	27,297,858
Expense and Equipment	2,914,668
From Federal Funds	30,212,526
Total (Not to exceed 883.06 F.T.E.)	\$48,662,983

SECTION 2.055.— To the Department of Elementary and Secondary Education
For reimbursements to school districts for the Early Childhood
Program, Hard-to-Reach Incentives, and Parent Education in
conjunction with the Early Childhood Education and Screening
Program

From General Revenue Fund	\$73,200
From Federal Funds	824,000
From State School Moneys Fund	125,000

For grants to higher education institutions or area vocational technical
schools for the Child Development Associate Certificate
Program in collaboration with the Coordinating Board for
Higher Education

From Federal Funds	400,000
Total	\$1,422,200

SECTION 2.060.— To the Department of Elementary and Secondary Education
For the School Age Child Care Program

From Federal Funds	\$18,908,383
From After-School Retreat Reading and Assessment Grant Program Fund	20,000
Total	\$18,928,383

SECTION 2.065.— To the Department of Elementary and Secondary Education
For the Head Start Collaboration Program
From Federal Funds \$300,000

SECTION 2.070.— To the Department of Elementary and Secondary Education
For the Performance Based Assessment Program
From General Revenue Fund \$187,881
From Federal Funds 10,184,722
From Outstanding Schools Trust Fund 128,125
From Lottery Proceeds Fund 4,311,255
Total \$14,811,983

SECTION 2.075.— To the Department of Elementary and Secondary Education
For distributions to providers of vocational education programs
From Federal Funds \$26,000,000

SECTION 2.080.— To the Department of Elementary and Secondary Education
For the Missouri History Teachers Program
From Federal Funds \$1,200

SECTION 2.085.— To the Department of Elementary and Secondary Education
For the Technology Grants Program and for planning and implementing
computer network infrastructure for public elementary and
secondary schools, including computer access to the Department
of Elementary and Secondary Education and to improve the use
of classroom technology
From Federal Funds \$5,000,000

SECTION 2.090.— 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 Federal Funds \$250,000,000

SECTION 2.095.— To the Department of Elementary and Secondary Education
For innovative educational program strategies under Title V of the No Child
Left Behind Act
From Federal Funds \$2,100,000

SECTION 2.100.— 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 \$10,000

SECTION 2.105.— 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 Federal Funds \$315,875

SECTION 2.110.— To the Department of Elementary and Secondary Education
For the Instructional Improvement Grants Program pursuant to Title II
Improving Teacher Quality

From Federal Funds	\$59,348,890
SECTION 2.115. — To the Department of Elementary and Secondary Education For the Public Charter Schools Program	
From Federal and Other Funds	\$2,432,000
SECTION 2.120. — To the Department of Elementary and Secondary Education For grants to rural and low-income schools	
From Federal Funds	\$4,500,000
SECTION 2.125. — To the Department of Elementary and Secondary Education For language acquisition pursuant to Title III of the No Child Left Behind Act	
From Federal Funds	\$5,200,000
SECTION 2.130. — To the Department of Elementary and Secondary Education For the Refugee Children School Impact Grants Program	
From Federal Funds	\$800,000
SECTION 2.135. — To the Department of Elementary and Secondary Education For the Vocational Rehabilitation Program	
From General Revenue Fund	\$13,062,689
From Federal Funds	40,713,797
From Payments by the Department of Mental Health	1,000,000
From Lottery Proceeds Fund	<u>1,400,000</u>
Total	\$56,176,486
SECTION 2.140. — To the Department of Elementary and Secondary Education For the Disability Determination Program	
From Federal Funds	\$21,000,000
SECTION 2.141. — To the Department of Elementary and Secondary Education For character education initiatives	
From Lottery Proceeds Fund	\$10,000
SECTION 2.145. — To the Department of Elementary and Secondary Education For Independent Living Centers	
From General Revenue Fund	\$2,506,486
From Federal Funds	1,292,546
From Independent Living Center Fund	<u>390,556</u>
Total	\$4,189,588
SECTION 2.150. — To the Department of Elementary and Secondary Education For the Supported Employment Evidence Based Dartmouth Grant	
From Federal Funds	\$80,000
SECTION 2.160. — To the Department of Elementary and Secondary Education For distributions to educational institutions for the Adult Basic Education Program	
From General Revenue Fund	\$4,500,388
From Federal Funds	10,000,000
From Outstanding Schools Trust Fund	<u>824,480</u>
Total	\$15,324,868

SECTION 2.165. — To the Department of Elementary and Secondary Education
For the Troops to Teachers Program
From Federal Funds \$153,610

SECTION 2.170. — To the Department of Elementary and Secondary Education
For the Special Education Program
From Federal Funds \$275,000,000

SECTION 2.175. — To the Department of Elementary and Secondary Education
For special education excess costs
From General Revenue Fund \$9,732,356
From Lottery Proceeds Fund 19,590,000
Total \$29,322,356

SECTION 2.180. — To the Department of Elementary and Secondary Education
For the First Steps Program
From General Revenue Fund \$18,740,309
From Federal Funds 11,000,000
From Early Childhood Development, Education and Care Fund 578,644
From Part C Early Intervention Fund 13,000,000
Total \$43,318,953

SECTION 2.185. — To the Department of Elementary and Secondary Education
For payments to school districts for children in residential placements
through the Department of Mental Health or the Department of
Social Services pursuant to Section 167.126, RSMo
From General Revenue Fund \$2,330,731
From Lottery Proceeds Fund 7,768,606
Total \$10,099,337

SECTION 2.190. — To the Department of Elementary and Secondary Education
For the Sheltered Workshops Program
From General Revenue Fund \$24,783,457

SECTION 2.195. — To the Department of Elementary and Secondary Education
For payments to readers for blind or visually disabled students in
elementary and secondary schools
From State School Moneys Fund \$25,000

SECTION 2.200. — To the Department of Elementary and Secondary Education
For a task force on blind student academic and vocational performance
From General Revenue Fund \$236,164

SECTION 2.205. — To the Department of Elementary and Secondary Education
For the Missouri School for the Deaf
From School for the Deaf Trust Fund \$50,000

SECTION 2.210. — To the Department of Elementary and Secondary Education
For the Missouri School for the Blind
From School for the Blind Trust Fund \$1,500,000

SECTION 2.215. — To the Department of Elementary and Secondary Education
For the Missouri Special Olympics Program
From General Revenue Fund \$100,000

SECTION 2.220. — To the Department of Elementary and Secondary Education
For the Missouri Schools for the Severely Disabled
From Handicapped Children's Trust Fund \$200,000

SECTION 2.225. — To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing
Personal Service \$217,499
Expense and Equipment 39,638
From General Revenue Fund 257,137

Personal Service 33,734
Expense and Equipment 19,000
From Missouri Commission for the Deaf and Hard of Hearing Fund 52,734

Expense and Equipment
From Missouri Commission for the Deaf and Hard of Hearing
Board of Certification of Interpreters Fund 117,000
Total (Not to exceed 5.00 F.T.E.) \$426,871

SECTION 2.230. — To the Department of Elementary and Secondary Education
For the Missouri Assistive Technology Council
Personal Service \$229,230
Expense and Equipment 588,831
From Federal Funds 818,061

Personal Service 219,869
Expense and Equipment 1,654,731
From Deaf Relay Service and Equipment Distribution Program Fund 1,874,600

Personal Service 50,377
Expense and Equipment 475,000
From Assistive Technology Loan Revolving Fund 525,377

Expense and Equipment
From Assistive Technology Trust Fund 850,000
Total (Not to exceed 10.00 F.T.E.) \$4,068,038

SECTION 2.235. — To the Department of Elementary and Secondary Education
For the Children's Services Commission
From Children's Service Commission Fund \$10,000

SECTION 2.240. — 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 State School Moneys Fund
From General Revenue Fund \$2,048,196,531

SECTION 2.245. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable

to the General Revenue Fund-County Foreign Tax Distribution,
to the State School Moneys Fund
From General Revenue Fund \$90,400,000

SECTION 2.250.— To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable
to the Fair Share Fund, to the State School Moneys Fund
From Fair Share Fund \$20,417,000

SECTION 2.255.— 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 \$653,200,000

SECTION 2.260.— To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the
Gaming Proceeds for Education Fund, to the Classroom Trust Fund
From Gaming Proceeds for Education Fund \$309,571,262

SECTION 2.265.— 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 \$10,125,733

SECTION 2.270.— 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 \$392,000

SECTION 2.275.— 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 \$1,000,000

Bill Totals
General Revenue Fund \$2,917,473,811
Federal Funds 1,077,754,530
Other Funds 1,363,225,930
Total \$5,358,454,271

Approved June 17, 2012

HB 2003 [CCS SS SCS HCS HB 2003]

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

APPROPRIATIONS: 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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013 as follows:

SECTION 3.005. — To the Department of Higher Education	
For Higher Education Coordination, for regulation of proprietary schools	
as provided in Section 173.600, RSMo, and for grant and	
scholarship program administration	
Personal Service	\$593,058
Expense and Equipment	207,180
From General Revenue Fund	800,238
Personal Service	233,869
Expense and Equipment	47,354
From Federal and Other Funds	281,223
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	
From Quality Improvement Revolving Fund	200,000
Total (Not to exceed 22.58 F.T.E.)	\$1,281,461
SECTION 3.010. — 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	\$100,000
SECTION 3.015. — To the Department of Higher Education	
For annual membership in the Midwestern Higher Education Compact	
From General Revenue Fund	\$95,000
SECTION 3.020. — To the Department of Higher Education	
For the Eisenhower Science and Mathematics Program and the Improving	
Teacher Quality State Grants Program	
Personal Service	\$35,671
Expense and Equipment	20,400
Federal Education Programs	1,727,022
From Federal Funds (Not to exceed 1.00 F.T.E.)	\$1,783,093

SECTION 3.025.— 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
 From Federal Funds \$2,000,000

SECTION 3.030.— To the Department of Higher Education
 For receiving and expending federal College Access Challenge Grants
 From Federal Funds \$3,000,000

SECTION 3.035.— To the Department of Higher Education
 Funds are to be transferred out of the State Treasury, chargeable to
 the General Revenue Fund, to the Academic Scholarship Fund
 From General Revenue Fund \$12,269,250

SECTION 3.040.— To the Department of Higher Education
 For the Higher Education Academic Scholarship Program pursuant to
 Chapter 173, RSMo
 From Academic Scholarship Fund \$13,269,250

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 Access Missouri Financial Assistance Fund
 From General Revenue Fund \$40,665,640
 From Lottery Proceeds Fund 11,916,667
 From Missouri Student Grant Program Gift Fund 50,000
 From Advantage Missouri Trust Fund 195,000
 From Institution Gift Trust Fund 5,000,000
 Total \$57,827,307

SECTION 3.050.— To the Department of Higher Education
 For the Access Missouri Financial Assistance Program pursuant to
 Chapter 173, RSMo
 From Access Missouri Financial Assistance Fund \$62,827,307

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 A+ Schools Fund
 From General Revenue Fund \$3,753,878
 From Lottery Proceeds Fund 21,659,448
 From Guaranty Agency Operating Fund 4,000,000
 Total \$29,413,326

SECTION 3.060.— To the Department of Higher Education
 For the A+ Schools Program
 From A+ Schools Fund \$33,000,000

SECTION 3.080.— To the Department of Higher Education
 Funds are to be transferred out of the State Treasury, chargeable
 to the General Revenue Fund, to the Marguerite Ross Barnett
 Scholarship Fund

From General Revenue Fund \$363,375

SECTION 3.086. — To the Department of Higher Education

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

From AP Incentive Grant Fund \$100,000
 From General Revenue Fund 431,250
 From Lottery Proceeds Fund 169,000

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

From Marguerite Ross Barnett Scholarship Fund 363,375
 Total \$1,063,625

SECTION 3.090. — To the Department of Higher Education

For the Kids' Chance Scholarship Program pursuant to Chapter 173, RSMo

From Kids' Chance Scholarship Fund \$27,750

SECTION 3.105. — To the Department of Higher Education

For the Minority and Underrepresented Environmental Literacy Program pursuant to Section 640.240, RSMo

From General Revenue Fund \$32,964
 From Recruitment and Retention Scholarship Fund 50,000
 Total \$82,964

SECTION 3.110. — To the Department of Higher Education

For the Advantage Missouri Program pursuant to Chapter 173, RSMo

From Advantage Missouri Trust Fund \$15,000

SECTION 3.115. — To the Department of Higher Education

For GEAR-UP Program scholarships

From GEAR-UP Scholarship Fund \$450,000

SECTION 3.120. — To the Department of Higher Education

For the Missouri Guaranteed Student Loan Program

Personal Service	\$2,222,431
Expense and Equipment	8,325,693
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 (Not to exceed 52.09 F.T.E.)	\$19,938,124

SECTION 3.125. — 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	\$30,000,000
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SECTION 3.130. — 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	\$200,000,000
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SECTION 3.135. — To the Department of Higher Education
For payment of refunds set off against debt as required by Section 143.786, RSMo

From Debt Offset Escrow Fund	\$750,000
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SECTION 3.140. — 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	\$1,000,000
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SECTION 3.145. — To the Department of Higher Education
For competitive grants to eligible institutions of higher education based on a process and criteria jointly determined by the State Board of Nursing and the Department of Higher Education. Grant award amounts shall not exceed one hundred fifty thousand dollars (\$150,000) and no campus shall receive more than one grant per year

From State Board of Nursing Fund	\$1,000,000
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SECTION 3.150. — 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	\$2,000,000
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SECTION 3.155. — To the Department of Higher Education
For distribution to community colleges as provided in Section 163.191, RSMo

From General Revenue Fund	\$118,918,908
From Lottery Proceeds Fund	7,452,485

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 4,443,902

For the payment of refunds set off against debt as required by Section
143.786, RSMo
From Debt Offset Escrow Fund 1,300,000
Total \$132,115,295

SECTION 3.160. — To Linn State Technical College

All Expenditures
From General Revenue Fund \$4,196,279
From Lottery Proceeds Fund 420,528

For the payment of refunds set off against debt as required by
Section 143.786, RSMo
From Debt Offset Escrow Fund 30,000
Total \$4,646,807

SECTION 3.165. — To the University of Central Missouri

All Expenditures
From General Revenue Fund \$48,205,695
From Lottery Proceeds Fund 4,985,715

For the payment of refunds set off against debt as required by
Section 143.786, RSMo
From Debt Offset Escrow Fund 200,000
Total \$53,391,410

SECTION 3.170. — To Southeast Missouri State University

All Expenditures
From General Revenue Fund \$39,712,169
From Lottery Proceeds Fund 4,059,895

For the payment of refunds set off against debt as required by
Section 143.786, RSMo
From Debt Offset Escrow Fund 200,000
Total \$43,972,064

SECTION 3.175. — To Missouri State University

All Expenditures
From General Revenue Fund \$71,667,483
From Lottery Proceeds Fund 7,675,409

For the payment of refunds set off against debt as required by
Section 143.786, RSMo
From Debt Offset Escrow Fund 200,000
Total \$79,542,892

SECTION 3.180. — To Lincoln University

All Expenditures	
From General Revenue Fund	\$15,937,130
From Lottery Proceeds Fund	1,551,205

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

From Debt Offset Escrow Fund	<u>200,000</u>
Total	\$17,688,335

SECTION 3.185. — To Truman State University

All Expenditures	
From General Revenue Fund	\$36,143,501
From Lottery Proceeds Fund	3,776,109

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

From Debt Offset Escrow Fund	<u>200,000</u>
Total	\$40,119,610

SECTION 3.190. — To Northwest Missouri State University

All Expenditures	
From General Revenue Fund	\$27,095,528
From Lottery Proceeds Fund	2,599,805

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

From Debt Offset Escrow Fund	<u>200,000</u>
Total	\$29,895,333

SECTION 3.195. — To Missouri Southern State University

All Expenditures	
From General Revenue Fund	\$20,940,036
From Lottery Proceeds Fund	1,972,820

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

From Debt Offset Escrow Fund	<u>200,000</u>
Total	\$23,112,856

SECTION 3.200. — To Missouri Western State University

All Expenditures	
From General Revenue Fund	\$19,343,898
From Lottery Proceeds Fund	1,968,039

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

From Debt Offset Escrow Fund	<u>200,000</u>
Total	\$21,511,937

SECTION 3.205. — To Harris-Stowe State University

All Expenditures

From General Revenue Fund	\$8,679,997
From Lottery Proceeds Fund	908,704

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

From Debt Offset Escrow Fund	<u>200,000</u>
Total	\$9,788,701

SECTION 3.210. — To the University of Missouri

For operation of its various campuses and programs provided that no funds appropriated under this section shall be distributed to or in any way support any organization that engages in political activity. Also provided that no funds appropriated under this section shall be used to support a Quality Rating System, or any successor program, or staff for the development or implementation of a Quality Rating System

From General Revenue Fund	\$361,131,030
From Lottery Proceeds Fund	36,869,596

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

From Debt Offset Escrow Fund	<u>200,000</u>
Total	\$398,200,626

SECTION 3.215. — To the University of Missouri

For the Missouri Telehealth Network

All Expenditures

From Healthy Families Trust Fund	\$437,640
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SECTION 3.220. — To the University of Missouri

For the Missouri Rehabilitation Center

All Expenditures

From General Revenue Fund	\$10,337,870
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SECTION 3.225. — To the University of Missouri

For a program of research into spinal cord injuries

All Expenditures

From Spinal Cord Injury Fund	\$1,500,000
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SECTION 3.230. — To the University of Missouri

For the treatment of renal disease in a statewide program

All Expenditures

From General Revenue Fund	\$1,500,000
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SECTION 3.231. — To the University of Missouri

For the Missouri Federal and State Technology Partnership Program

From General Revenue	\$340,000
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SECTION 3.235. — To the University of Missouri

For the State Historical Society

All Expenditures

From General Revenue Fund	\$1,427,605
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SECTION 3.240. — 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 State Seminary Fund \$4,000,000

SECTION 3.245. — 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 \$275,000

Bill Totals
General Revenue Fund \$850,432,626
Federal Funds 7,064,316
Other Funds 345,081,189
Total \$1,202,578,131

Approved June 22, 2012

HB 2004 [CCS SS SCS HCS HB 2004]

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

APPROPRIATIONS: DEPARTMENT OF REVENUE, DEPARTMENT OF TRANSPORTATION.

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, 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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013, as follows:

SECTION 4.005. — To the Department of Revenue
For the purpose of collecting highway related fees and taxes
Personal Service \$7,402,686
Expense and Equipment 3,158,407
From General Revenue Fund 10,561,093

Personal Service 6,870,912
Expense and Equipment 5,084,679

From State Highways and Transportation Department Fund	<u>11,955,591</u>
Total (Not to exceed 449.39 F.T.E.)	\$22,516,684

SECTION 4.010. — To the Department of Revenue

For the Division of Taxation

Personal Service	\$20,342,072
Expense and Equipment	<u>5,532,953</u>
From General Revenue Fund	25,875,025

Personal Service	50,277
Expense and Equipment	<u>4,163</u>
From Health Initiatives Fund	54,440

Personal Service	<u>12,823</u>
From Elderly Home-Delivered Meals Trust Fund	12,823

Personal Service	27,035
Expense and Equipment	<u>1,071</u>
From Petroleum Storage Tank Insurance Fund	28,106

Personal Service	549,812
Expense and Equipment	<u>8,277</u>
From Conservation Commission Fund	558,089

Personal Service	33,155
Expense and Equipment	<u>2,818</u>
From Petroleum Inspection Fund	35,973

For the integrated tax system

Expense and Equipment	
From General Revenue Fund	<u>12,000,000</u>
Total (Not to exceed 618.8 F.T.E.)	\$38,564,456

SECTION 4.015. — To the Department of Revenue

For the Division of Motor Vehicle and Driver Licensing

Personal Service	\$528,720
Expense and Equipment	<u>424,390</u>
From General Revenue Fund	953,110

Personal Service	291,767
Expense and Equipment	<u>1,618,450</u>
From Federal Funds	1,910,217

Personal Service	279,632
Expense and Equipment	<u>328,415</u>
From Motor Vehicle Commission Fund	608,047

Personal Service	510
Expense and Equipment	<u>38,515</u>
From Department of Revenue Information Fund	39,025

Personal Service	10,042
Expense and Equipment	<u>14,850</u>
From Department of Revenue Specialty Plate Fund	24,892
Total (Not to exceed 37.05 F.T.E.)	<u>\$3,535,291</u>

SECTION 4.020.— To the Department of Revenue

For the Division of Legal Services

Personal Service	\$1,434,156
Expense and Equipment	<u>133,499</u>
From General Revenue Fund	1,567,655

Personal Service	203,754
Expense and Equipment	<u>215,000</u>
From Federal Funds	418,754

Personal Service	464,720
Expense and Equipment	<u>35,298</u>
From Motor Vehicle Commission Fund	500,018

Personal Service	41,040
Expense and Equipment	<u>3,323</u>
From Tobacco Control Special Fund	44,363
Total (Not to exceed 52.15 F.T.E.)	<u>\$2,530,790</u>

SECTION 4.025.— To the Department of Revenue

For the Division of Administration

Personal Service	\$1,264,344
Expense and Equipment	<u>216,945</u>
From General Revenue Fund	1,481,289

Personal Service	51,731
Expense and Equipment	<u>5,970,006</u>
From Federal Funds	6,021,737

Personal Service	24,839
Expense and Equipment	<u>2,589,841</u>
From Child Support Enforcement Fund	2,614,680

For postage

Expense and Equipment	
From General Revenue Fund	3,545,727
From Health Initiatives Fund	5,373
From Motor Vehicle Commission Fund	44,029
From Conservation Commission Fund	<u>1,343</u>
Total (Not to exceed 39.66 F.T.E.)	<u>\$13,714,178</u>

SECTION 4.030.— To the Department of Revenue

For the State Tax Commission

Personal Service	\$2,299,858
Expense and Equipment	196,645

For the Productive Capability of Agricultural and Horticultural Land Use Study Expense and Equipment	
From General Revenue Fund	3,876
Total (Not to exceed 52.00 F.T.E.)	\$2,500,379

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	\$9,793,971
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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	\$2,009,425E
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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	\$465,000
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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, Constitution of Missouri

From Motor Fuel Tax Fund	\$188,000,000
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SECTION 4.055. — To the Department of Revenue
For distribution to Veterans of Foreign Wars Department of Missouri of all
emblem use fee contributions collected for the SOME GAVE ALL
specialty plate

From General Revenue Fund	\$1,000
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SECTION 4.060. — To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any
payment that is credited to the General Revenue Fund

From General Revenue Fund	\$1,377,900,000E
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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	\$34,850E
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SECTION 4.070. — To the Department of Revenue
For the purpose of refunding any tax or fee credited to the State Highways
and Transportation Department Fund

From State Highways and Transportation Department Fund	\$2,290,564E
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SECTION 4.075. — To the Department of Revenue
For the purpose of refunding any overpayment or erroneous payment of
any amount credited to the Aviation Trust Fund

From Aviation Trust Fund	\$50,000
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SECTION 4.080. — To the Department of Revenue
 For refunds and distributions of motor fuel taxes
 From State Highways and Transportation Department Fund \$10,414,000E

SECTION 4.085. — To the Department of Revenue
 For refunds for overpayment or erroneous payment of any tax or any
 payment credited to the Workers' Compensation Fund
 From Workers' Compensation Fund \$450,000E

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 \$25,000E
 From State School Moneys Fund 25,000E
 From Fair Share Fund 11,000E
 Total \$61,000

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 \$500,000

SECTION 4.100. — To the Department of Revenue
 For the payment of local sales tax delinquencies set off by tax credits
 From General Revenue Fund \$200,000

SECTION 4.105. — There is 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 \$11,292,384

SECTION 4.110. — There is 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 \$505,500E

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

SECTION 4.120. — There is transferred out of the State Treasury, chargeable
 to the School District Trust Fund, to the General Revenue Fund
 From School District Trust Fund \$2,500,000

SECTION 4.125. — There is 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 \$240,000E

SECTION 4.130. — There is 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	\$240,000E
SECTION 4.135. — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, such amounts generated by development projects, as required by Section 99.963, RSMo, to the State Supplemental Downtown Development Fund	
From General Revenue Fund	\$1,040,450
SECTION 4.140. — There is transferred out of the state treasury, chargeable to the General Revenue Fund, such amounts generated by redevelopment projects, as required by Section 99.1092, RSMo, to the Downtown Revitalization Preservation Fund	
From General Revenue Fund	\$200,000
SECTION 4.145. — There is 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	\$396,000E
SECTION 4.150. — There is 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	\$13,669E
SECTION 4.155. — For distribution from the various income tax check-off charitable trust funds	
From Other Funds	\$31,500E
SECTION 4.160. — There is 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	\$250,000
SECTION 4.165. — There is 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	\$560,178,001
SECTION 4.170. — There is 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	\$10,000E
SECTION 4.175. — To the Department of Revenue For the State Lottery Commission For any and all expenditures, including operating, maintenance and repair, and minor renovations, necessary for the purpose of operating a state lottery	
Personal Service	\$6,786,206
Expense and Equipment	<u>41,858,992E</u>

From Lottery Enterprise Fund (Not to exceed 153.5F.T.E.)	\$48,645,198
SECTION 4.180. — To the Department of Revenue	
For the State Lottery Commission	
For the payment of prizes	
From Lottery Enterprise Fund	\$102,000,000E
SECTION 4.185. — There is transferred out of the State Treasury, chargeable	
to the Lottery Enterprise Fund, to the Lottery Proceeds Fund	
From Lottery Enterprise Fund	\$288,563,213E
SECTION 4.400. — To the Department of Transportation	
For the Highways and Transportation Commission and Highway Program	
Administration	
Personal Service	\$18,005,009E
Expense and Equipment	<u>4,172,664E</u>
From State Road Fund (Not to exceed 350.57 F.T.E.)	\$22,177,673
SECTION 4.405. — To the Department of Transportation	
For department-wide fringe expenses	
For Administration fringe benefits	
Personal Service	\$11,319,034E
Expense and Equipment	<u>14,573,543E</u>
From State Road Fund	25,892,577
For Construction Program fringe benefits	
Personal Service	44,648,988E
Expense and Equipment	<u>1,944,952E</u>
From State Road Fund	46,593,940
For Maintenance Program fringe benefits	
Personal Service	187,664E
Expense and Equipment	<u>3,010E</u>
From Federal Funds	190,674
Personal Service	94,290,586E
Expense and Equipment	<u>4,441,369E</u>
From State Road Fund	98,731,955
For Fleet, Facilities, and Information Systems fringe benefits	
Personal Service	8,735,740E
Expense and Equipment	<u>261,260E</u>
From State Road Fund	8,997,000
For Multimodal Operations fringe benefits	
Personal Service	
From Federal Funds	223,978E
From State Road Fund	261,364E
From Railroad Expense Fund	245,334E
From State Transportation Fund	72,141E
From Aviation Trust Fund	<u>292,515E</u>
Total	\$181,501,478

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	\$70,146,669E
Expense and Equipment	13,292,817E
Construction	<u>925,407,791E</u>
From State Road Fund	1,008,847,277

For all expenditures associated with paying outstanding state road bond debt

From State Road and State Road Bond Funds	<u>290,814,275E</u>
Total (Not to exceed 1,482.26 F.T.E.)	\$1,299,661,552

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	\$305,696
Expense and Equipment	<u>55,000</u>
From Federal Funds	360,696

Personal Service	144,570,654E
Expense and Equipment	<u>219,226,815E</u>
From State Road Fund	363,797,469

Expense and Equipment	
From Motorcycle Safety Trust Fund	425,000

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

From Federal Funds	30,000,000
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For the Motor Carrier Safety Assistance Program

From Federal Funds	<u>2,000,000</u>
Total (Not to exceed 3,643.93 F.T.E.)	\$396,583,165

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	\$13,750,903E
Expense and Equipment	<u>66,261,050E</u>
From State Road Fund (Not to exceed 299.25 F.T.E.)	\$80,011,953

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 \$25,000E

For refunds and distributions of motor fuel taxes	<u>30,000,000E</u>
From State Highways and Transportation Department Fund	\$30,025,000

SECTION 4.430. — 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 \$525,000,000E

SECTION 4.435. — To the Department of Transportation
For Multimodal Operations Administration

Personal Service	\$492,211
Expense and Equipment	<u>400,000</u>
From Federal Funds	892,211

Personal Service	435,101E
Expense and Equipment	<u>25,897E</u>
From State Road Fund	460,998

Personal Service	408,018
Expense and Equipment	<u>75,421</u>
From Railroad Expense Fund	483,439

Personal Service	147,244
Expense and Equipment	<u>10,395</u>
From State Transportation Fund	157,639

Personal Service	484,907
Expense and Equipment	<u>24,827</u>
From Aviation Trust Fund	<u>509,734</u>
Total (Not to exceed 36.67 F.T.E.)	\$2,504,021

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 Federal Funds	\$83,500
From Railroad Expense Fund	90,500

From State Transportation Fund	35,000
From Aviation Trust Fund	<u>75,567</u>
Total	\$284,567

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	\$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	\$560,875
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SECTION 4.455. — To the Department of Transportation

For the Transit Program

For locally matched capital improvement grants under Section 5310,
 Title 49, United States Code to assist private, non-profit organizations
 in improving public transportation for the state's elderly and people
 with disabilities

From Federal Funds	\$4,086,400
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For the New Freedom Transit Program

For locally matched grants under Section 5317, Title 49, United States
 Code to assist disabled persons with transportation services
 beyond those required by the Americans with Disabilities Act

From Federal Funds	<u>1,390,030</u>
Total	\$5,476,430

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

From General Revenue Fund	\$1,194,129
From State Transportation Fund	<u>1,274,478</u>
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
 Section 5311, Title 49, United States Code

From Federal and Local Funds	\$23,926,692
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For the Job Access and Reverse Commute Grants Program

For locally matched grants to small urban and rural areas under Section
 5316, Title 49, United States Code to provide employment related
 transportation for low-income persons

From Federal Funds	<u>3,200,000</u>
Total	\$27,126,692

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
 From Federal Funds \$16,499,394

SECTION 4.475. — To the Department of Transportation
 For the Transit Program
 For grants to metropolitan areas under Section 5305, Title 49, United
 States Code
 From Federal Funds \$15,910,249

SECTION 4.480. — 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 Federal Funds \$33,000,000

SECTION 4.485. — To the Department of Transportation
 For the Light Rail Safety Program
 From Light Rail Safety Fund \$1,000,000

SECTION 4.490. — To the Department of Transportation
 For the Rail Program
 For passenger rail service in Missouri
 From General Revenue Fund \$7,900,000

SECTION 4.495. — To the Department of Transportation
 For station repairs and improvements at Missouri Amtrak stations
 From State Transportation Fund \$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 Transportation Department Grade Crossing Safety Account \$3,000,000

SECTION 4.505. — There is transferred out of the State Treasury, chargeable
 to the Transportation Department Grade Crossing Safety Account,
 to the Railroad Expense Fund
 From Transportation Department Grade Crossing Safety Account \$100,000

SECTION 4.510. — To the Department of Transportation
 For the Aviation Program
 For construction, capital improvements, and maintenance of publicly owned
 airfields, including land acquisition, and for printing charts and directories
 From Aviation Trust Fund \$10,000,000

SECTION 4.515. — 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 Federal Funds \$41,416,304

***SECTION 4.520.**— To the Department of Transportation
For the Waterways Program
For grants to port authorities for assistance in port planning, acquisition,
or construction within the port districts
From State Transportation Fund \$375,000

For grants to a port authority in any home rule city with more than four
thousand inhabitants and located in more than one county
From General Revenue Fund 250,000

For grants to a port authority in any county of the third classification
without a township form of government and with more than ten
thousand but fewer than twelve thousand inhabitants and with a
village with more than one hundred but fewer than two hundred
inhabitants as the county seat
From Federal Funds 80,000
From State Transportation Fund 50,000
Total \$755,000

*I hereby veto \$50,000 State Transportation Fund and \$80,000 Federal Funds for a port
authority. Section 1.100, RSMo requires the use of 2010 census data after July 1, 2011. Based
on 2010 census data, the location description in the bill does not match any existing port
authority.

For the Waterways Program.
From \$80,000 to \$0 Federal Funds.
From \$50,000 to \$0 State Transportation Fund.
From \$755,000 to \$625,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 4.525.— To the Department of Transportation
For the Federal Rail, Port and Freight Assistance Program
From Multimodal Operations Federal Fund \$1,000,000

Department of Revenue Totals
General Revenue Fund \$84,888,008
Federal Funds 8,350,708
Other Funds 355,171,990
Total \$448,410,706

Department of Transportation Totals
General Revenue Fund \$9,344,129
Federal Funds 174,260,128
Other Funds 1,966,258,703
Total \$2,149,862,960

Approved June 22, 2012

HB 2005 [CCS SS SCS HCS HB 2005]

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

APPROPRIATIONS: OFFICE OF ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF CONSERVATION, DEPARTMENT OF PUBLIC SAFETY, AND CHIEF EXECUTIVE'S OFFICE.

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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013, as follows:

SECTION 5.005. — To the Office of Administration

For the Commissioner's Office

Personal Service	\$625,597
Expense and Equipment	86,496
From General Revenue Fund	712,093

For the Office of Equal Opportunity

Personal Service	217,001
Expense and Equipment	81,451
From General Revenue Fund	298,452

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

From Office of Administration Donated Fund	2,000,000
Total (Not to exceed 14.50 F.T.E.)	\$3,010,545

SECTION 5.010. — To the Office of Administration

For the Division of Accounting

Personal Service	\$2,078,894
Expense and Equipment	117,999
From General Revenue Fund (Not to exceed 49.00 F.T.E.)	\$2,196,893

SECTION 5.015. — To the Office of Administration

For the Division of Budget and Planning

Personal Service	\$1,582,151
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Expense and Equipment	72,270
From General Revenue Fund (Not to exceed 26.00 F.T.E.)	\$1,654,421

SECTION 5.020. — To the Office of Administration

For the Information Technology Services Division

Personal Service and/or Expense and Equipment, provided that not
more than five percent (5%) flexibility is allowed between personal
service and expense and equipment

From General Revenue Fund	\$42,674,063
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Personal Service and/or Expense and Equipment	
From Federal and Other Funds	147,932,084

Personal Service and/or Expense and Equipment, for the purpose
of acquiring or developing information technology equipment,
software, or systems for the administration of Missouri's
Unemployment Compensation Law and for such information
technology expenses which may be incurred to ensure the proper
use and operation of any information technology equipment,
software, or systems from funds made available to Missouri under

Section 903 of the Social Security Act	
From Federal Funds	798,281

Personal Service and/or Expense and Equipment, for the purpose of internal ITSD billings	
From Revolving Information Technology Trust Fund	80,958,333

Expense and Equipment	
For the payment of Office of Administration ITSD employee benefits	
From General Revenue Fund	1,500,000E
From Federal and Other Funds	3,000,000E
Total (Not to exceed 1,043.10 F.T.E.)	\$276,862,761

SECTION 5.025. — To the Office of Administration

For the Information Technology Services Division

For the centralized telephone billing system

Expense and Equipment

From Revolving Information Technology Trust Fund	\$44,706,697
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SECTION 5.030. — To the Office of Administration

For the Division of Personnel

Personal Service	\$2,382,799
Expense and Equipment	70,412
From General Revenue Fund	2,453,211

Personal Service	172,030
Expense and Equipment	480,466
From Office of Administration Revolving Administrative Trust Fund	652,496
Total (Not to exceed 60.97 F.T.E.)	\$3,105,707

SECTION 5.035. — To the Office of Administration
 For the Division of Purchasing and Materials Management
 Personal Service \$1,608,246
 Expense and Equipment 99,131
 From General Revenue Fund (Not to exceed 33.00 F.T.E.) \$1,707,377

SECTION 5.040. — 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 \$3,000,000

SECTION 5.045. — To the Office of Administration
 For the Division of Purchasing and Materials Management
 For the operation of the State Agency for Surplus Property
 Personal Service \$760,371
 Expense and Equipment 500,000

For the Fixed Price Vehicle Program
 Expense and Equipment 1,500,000
 From Federal Surplus Property Fund (Not to exceed 20.00 F.T.E.) \$2,760,371

SECTION 5.050. — To the Office of Administration
 For the Division of Purchasing and Materials Management
 For Surplus Property recycling activities
 Personal Service \$46,865
 Expense and Equipment 51,610
 From Federal Surplus Property Fund (Not to exceed 1.00 F.T.E.) \$98,475

SECTION 5.055. — There is 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 \$30,000

SECTION 5.060. — To the Office of Administration
 For the Division of Purchasing and Materials Management
 For the disbursement of surplus property sales receipts
 From Proceeds of Surplus Property Sales Fund \$300,000

SECTION 5.065. — There is 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 \$1,500,000

SECTION 5.070. — 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 \$60,000

SECTION 5.075. — 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	
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	
From State Facility Maintenance and Operation Fund (Not to exceed 756.50 F.T.E.)	\$92,751,789

SECTION 5.080. — 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	\$25,000
From General Revenue Fund	<u>125,000</u>
Total	\$150,000

SECTION 5.085. — 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	\$2,000,000
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SECTION 5.090. — To the Office of Administration

For the Division of General Services

Personal Service	\$852,411
Expense and Equipment	<u>76,035</u>
From General Revenue Fund	928,446

Personal Service	2,776,473
Expense and Equipment	<u>979,728</u>
From Office of Administration Revolving Administrative Trust Fund	<u>3,756,201</u>
Total (Not to exceed 106.00 F.T.E.)	\$4,684,647

SECTION 5.095. — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Property Preservation Fund

From General Revenue Fund	\$1E
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SECTION 5.100. — 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 \$1E

SECTION 5.105. — 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 \$15,000,000

SECTION 5.110. — There is transferred out of the State Treasury, chargeable
to the funds shown below, 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 \$6,000,000E

From Federal and Other Funds 757,435E

Total \$6,757,435E

SECTION 5.115. — 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 \$6,757,435E

SECTION 5.120. — To the Office of Administration

For the Administrative Hearing Commission

Personal Service and/or Expense and Equipment, provided that not
more than twenty-five percent (25%) flexibility is allowed between
personal service and expense and equipment

From General Revenue Fund (Not to exceed 16.00 F.T.E.) \$1,033,375

SECTION 5.125. — To the Office of Administration

For the purpose of funding the Office of Child Advocate

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

From General Revenue Fund \$177,460

From Federal Funds 138,568

Total (Not to exceed 5.00 F.T.E.) \$316,028

SECTION 5.130. — 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 \$213,845

Expense and Equipment 141,001

For Program Disbursements 3,360,000

From Children's Trust Fund (Not to exceed 5.00 F.T.E.) \$3,714,846

SECTION 5.135. — To the Office of Administration

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

Personal Service \$171,603

Expense and Equipment 19,799

From General Revenue Fund	191,402
Expense and Equipment	
From Office of Administration Revolving Administrative Trust Fund	<u>25,000</u>
Total (Not to exceed 4.00 F.T.E.)	\$216,402

SECTION 5.140. — 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	\$655,973
Expense and Equipment	<u>61,847</u>
From Office of Administration Revolving Administrative Trust Fund	
(Not to exceed 14.00 F.T.E.)	\$717,820

SECTION 5.145. — To the Office of Administration

For the Missouri Ethics Commission

Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

From General Revenue Fund (Not to exceed 22.00 F.T.E.)	\$1,373,395
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SECTION 5.150. — To the Office of Administration

For the purpose of funding alternatives to abortion services for women

From General Revenue Fund	\$1,533,561
From Federal Funds	50,000

For the alternatives to abortion awareness program

From General Revenue Fund	<u>50,000</u>
Total	\$1,633,561

SECTION 5.151. — To the Office of Administration

For grants under the Early Childhood Development, Education, and Care

Program provided that prior to the disbursement of funds, the Department of Elementary and Secondary Education promulgates rules establishing guidelines for the implementation of programs funded under this appropriation as required by Section 161.215 RSMo. The requirement to promulgate rules under this section shall not constitute an emergency under the provisions of Section 536.025 RSMo. Also provided that no funds shall be distributed to or by the Center for Family Policy Research or any successor entity. Also provided that no new programs shall receive awards and that all existing program awards shall be prorated not more than seventy-five percent (75%) of the fiscal year 2012 award level. Also provided that no funds appropriated under this section shall be used to support a Quality Rating System, or any successor programs, or staff for the development or implementation of a Quality Rating System

From Early Childhood Development, Education, and Care Fund	\$8,312,848
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SECTION 5.155. — 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 \$23,378,706E

SECTION 5.160. — 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 \$30,654E

SECTION 5.165. — To the Office of Administration
 For the Division of Accounting
 For payment of the state's lease/purchase debt requirements
 From General Revenue Fund \$1,307,532
 From State Facility Maintenance and Operation Fund 2,601,866
 Total \$3,909,398

SECTION 5.170. — 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 \$2,524,150

SECTION 5.175. — To the Office of Administration
 For the Information Technology Services Division
 For debt service related to Unified Communications
 From Revolving Information Technology Trust Fund \$3,458,349E

SECTION 5.180. — 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 \$5,800,956

SECTION 5.185. — To the Office of Administration
 For the Division of Accounting
 For Debt Management
 Expense and Equipment
 From General Revenue Fund \$85,000

SECTION 5.190. — To the Office of Administration
 For the Division of Accounting
 For debt service contingency for the New Jobs and Jobs Retention Training Certificates Program
 From General Revenue Fund \$1E

SECTION 5.195. — 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 \$2,000,000

SECTION 5.200.— 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 \$3,000,000

SECTION 5.205.— To the Office of Administration

For the Division of Accounting

For the expansion of the dual-purpose Edward Jones Dome project in St. Louis

From General Revenue Fund \$12,000,000

SECTION 5.210.— 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 \$300,000E

SECTION 5.215.— There is 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 . . . \$399,999,999E

From Budget Reserve Fund and Other Funds to Other Funds 1E

Total \$400,000,000

SECTION 5.220.— There is 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 \$325,000,000E

From Other Funds 75,000,000E

Total \$400,000,000

SECTION 5.225.— There is 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 \$3,000,000E

From Other Funds 1E

Total \$3,000,001

SECTION 5.230.— There is transferred out of the State Treasury, such amounts as may be necessary for constitutional requirements of the Budget Reserve Fund

From General Revenue Fund	\$1E
From Budget Reserve Fund	<u>1E</u>
Total	\$2

SECTION 5.235.— There is transferred out of the State Treasury, such amounts as may be necessary for corrections to fund balances

From General Revenue Fund	\$50,000
From Other Funds	<u>1E</u>
Total	\$50,001

SECTION 5.240.— There is transferred out of the State Treasury, chargeable to the Healthy Families Trust Fund, to the General Revenue Fund

From Healthy Families Trust Fund	\$ 28,300,000
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SECTION 5.245.— There is 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	\$10,646,655
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SECTION 5.250.— There is transferred out of the State Treasury, chargeable to the Title XIX-Federal and Other Fund to the General Revenue Fund

From Title XIX-Federal and Other Fund	\$62,062,000
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SECTION 5.251.— There is transferred out of the State Treasury, chargeable to the Title XIX-Federal Fund, to the Blind Pension Healthcare Fund

From Title XIX-Federal Fund	\$18,045,720
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SECTION 5.255.— To the Office of Administration
For the Division of Accounting
For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law

From Federal Funds	\$1,800,000
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SECTION 5.260.— To the Office of Administration
For the Division of Accounting
For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri

From Federal Funds	\$8,500,000
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SECTION 5.265. — 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 \$15,000E

SECTION 5.270. — 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 \$100,000

SECTION 5.275. — To the Office of Administration
 For funding transition costs for the Governor, Lieutenant Governor,
 Secretary of State, Treasurer, and Attorney General
 From General Revenue Fund \$100,000

SECTION 5.450. — To the Office of Administration
 For transferring funds for state employees and participating political
 subdivisions to the OASDHI Contributions Fund
 From General Revenue Fund \$71,442,608E
 From Federal Funds 27,264,578E
 From Other Funds 43,336,577E
 Total \$142,043,763

SECTION 5.455. — 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 \$7,457,000E

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 \$149,500,763E

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
 From General Revenue Fund \$167,169,699E
 From Federal Funds 58,709,400E
 From Other Funds 47,755,598E
 Total \$273,634,697

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
 From State Retirement Contributions Fund \$273,634,697E

SECTION 5.475. — To the Office of Administration
 For the Division of Accounting
 For payment of retirement benefits to the Public School Retirement
 System pursuant to Section 104.342, RSMo
 From General Revenue Fund \$2,400,000E
 From Federal Funds 1,070,000E
 From Other Funds 70,560E
 Total \$3,540,560

SECTION 5.480. — To the Office of Administration
 For the Division of Accounting
 For reimbursing the Division of Employment Security benefit account for
 claims paid to former state employees for unemployment insurance
 coverage and for related professional services
 From General Revenue Fund \$1,641,390E
 From Federal Funds 570,725E
 From Other Funds 1,622,832E
 Total \$3,834,947

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 \$169,942E

SECTION 5.490. — To the Office of Administration
 For transferring funds for the state's contribution to the Missouri
 Consolidated Health Care Plan to the Missouri Consolidated
 Health Care Plan Benefit Fund
 From General Revenue Fund \$224,981,361E
 From Federal Funds 91,545,794E
 From Other Funds 54,878,204E
 Total \$371,405,359

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
 From Missouri Consolidated Health Care Plan Benefit Fund \$371,405,359E

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 \$36,000E

SECTION 5.505. — To the Office of Administration

For the Division of Accounting

For providing voluntary life insurance

From Missouri State Employees' Voluntary Life Insurance Fund \$862,000E

SECTION 5.510. — To the Office of Administration

For the Division of Accounting

For employee medical expense reimbursements reserve

From General Revenue Fund \$1E

SECTION 5.515. — To the Office of Administration

For the Division of Accounting

Personal Service for state payroll contingency

From General Revenue Fund \$1E

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 \$22,959,723E

From Conservation Commission Fund 800,000E

Total \$23,759,723

SECTION 5.525. — There is hereby transferred out of the State Treasury, chargeable to various funds, amounts paid from the General Revenue Fund for workers' compensation benefits provided to employees paid from these other funds, to the General Revenue Fund

From Federal Funds \$1,842,170E

From Other Funds 2,506,236E

Total \$4,348,406

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 \$1,465,000E

From Conservation Commission Fund 60,000E

Total \$1,525,000

Office of Administration Totals

General Revenue Fund \$112,500,194

Federal Funds 81,423,009

Other Funds 67,686,780

Total \$261,609,983

Employee Benefits Totals

General Revenue Fund \$492,059,783

Federal Funds 179,160,497

Other Funds	157,012,713
Total	\$828,232,993

Approved June 22, 2012

HB 2006 [CCS SS SCS HCS HB 2006]

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

APPROPRIATIONS: 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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013 as follows:

SECTION 6.005. — To the Department of Agriculture

For the Office of the Director	
Personal Service	\$1,029,772
Expense and Equipment	388,009
From Federal and Other Funds	1,417,781

For refunds of erroneous receipts due to errors in application for licenses, registrations, permits, certificates, subscriptions, or other fees

From General Revenue Fund	3,639E
From Federal and Other Funds	13,500

For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

Personal Service	45,434
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Expense and Equipment	293,308
From Federal Funds	338,742
Total (Not to exceed 21.00 F.T.E.)	\$1,773,662

SECTION 6.007.— To the Department of Agriculture

There is hereby transferred out of the State Treasury, chargeable to the
Lottery Proceeds Fund, to the Veterinary Student Loan Payment Fund

From Lottery Proceeds Fund	\$120,000
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SECTION 6.010.— 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	\$180,000
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SECTION 6.015.— To the Department of Agriculture

There is hereby transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Missouri Qualified Fuel Ethanol
Producer Incentive Fund

From General Revenue Fund	\$4,925,000
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There is hereby transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Missouri Qualified Biodiesel
Producer Incentive Fund

From General Revenue Fund	4,925,000
Total	\$9,850,000

SECTION 6.020.— To the Department of Agriculture

For Missouri Fuel Ethanol Producer Incentive Payments

From Missouri Qualified Fuel Ethanol Producer Incentive Fund	\$4,925,000
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For Missouri Biodiesel Producer Incentive Payments

From Missouri Qualified Biodiesel Producer Incentive Fund	4,925,000
Total	\$9,850,000

SECTION 6.025.— To the Department of Agriculture

For the Agriculture Business Development Division

Personal Service	\$1,097,135
Expense and Equipment	1,120,684
For Agriculture Awareness Program	24,389
For Governor's Conference on Agriculture expenses	216,593
For an Urban Agriculture Program	25,000
From Federal and Other Funds (Not to exceed 25.51 F.T.E.)	\$2,483,801

SECTION 6.030.— To the Department of Agriculture

For the Agriculture Business Development Division

For the Agri Missouri Marketing Program

Personal Service	\$35,553
Expense and Equipment	128,756
From Federal and Other Funds (Not to exceed 0.97 F.T.E.)	\$164,309

SECTION 6.031.— To the Department of Agriculture
 For the Agriculture Business Development Division
 For the purpose of funding the Agricultural Product Utilization Grant
 Fund as provided in 348.408, RSMo to implement a National Center
 for Beef Excellence Program as provided in 348.407, RSMo
 From Agricultural Product Utilization Grant Fund \$200,000

SECTION 6.032.— To the Department of Agriculture
 For the Agriculture Business Development Division
 For the purpose of funding the Agricultural Product Utilization Grant
 Fund as provided in 348.408, RSMo to facilitate the development
 and implementation of an abattoir on the University of Missouri-Columbia
 property as provided in 348.407, RSMo
 From Agricultural Product Utilization Grant Fund \$200,000

SECTION 6.035.— To the Department of Agriculture
 For the Agriculture Business Development Division
 For the Wine and Grape Program
 Personal Service \$210,182
 Expense and Equipment 1,616,093
 From Other Funds (Not to exceed 4.00 F.T.E.) \$1,826,275

SECTION 6.040.— To the Department of Agriculture
 For the Agriculture Business Development Division
 For the Agriculture and Small Business Development Authority
 Personal Service \$119,932
 Expense and Equipment 24,650
 From Other Funds (Not to exceed 3.20 F.T.E.) \$144,582

SECTION 6.045.— To the Department of Agriculture
 There is hereby transferred out of the State Treasury, chargeable to the
 General Revenue Fund, to the Single-Purpose Animal Facilities
 Loan Guarantee Fund
 From General Revenue Fund \$1E

SECTION 6.050.— 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 \$201,046

SECTION 6.055.— To the Department of Agriculture
 There is hereby transferred out of the State Treasury, chargeable to the
 General Revenue Fund, to the Agricultural Product Utilization and
 Business Development Loan Guarantee Fund
 From General Revenue Fund \$1E

SECTION 6.060.— 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 \$624,501

SECTION 6.065.— To the Department of Agriculture

There is hereby transferred out of the State Treasury, chargeable to the
 General Revenue Fund, to the Livestock Feed and Crop Input Loan
 Guarantee Fund

From General Revenue Fund \$1E

SECTION 6.070.— To the Department of Agriculture

For the purpose of funding loan guarantees for loans administered by the
 Missouri Agricultural and Small Business Development Authority
 for the purpose of financing the purchase of livestock feed used to
 produce livestock and input used to produce crops for the feeding
 of livestock, provided that the appropriation may not exceed
 \$2,000,000

From Livestock Feed and Crop Input Loan Guarantee Fund \$50,000

SECTION 6.075.— To the Department of Agriculture

For the Agriculture Business Development Division
 For the Agriculture Development Program

Personal Service \$73,817

Expense and Equipment 46,987

For all monies in the Agriculture Development Fund for investments,
 reinvestments, and for emergency agricultural relief and
 rehabilitation as provided by law 100,000

From Agriculture Development Fund (Not to exceed 1.60 F.T.E.) \$220,804

SECTION 6.080.— To the Department of Agriculture

For the Division of Animal Health

Personal Service \$2,467,043

Expense and Equipment 883,239

From General Revenue Fund 3,350,282

Personal Service 1,384,244

Expense and Equipment 1,608,387

From Federal and Other Funds 2,992,631

To support local efforts to spay and neuter cats and dogs

From Missouri Pet Spay/Neuter Fund 50,000

To support the Livestock Brands Program

From Livestock Brands Fund 36,925

For enforcement activities related to the Livestock Dealer Law

From Livestock Dealer Law Enforcement and Administration Fund 11,677

For expenses incurred in regulating Missouri livestock markets

From Livestock Sales and Markets Fees Fund 32,115

For processing livestock market bankruptcy claims

From Agriculture Bond Trustee Fund 135,000

For the expenditures of contributions, gifts, and grants in support of relief efforts to reduce the suffering of abandoned animals	
From Institution Gift Trust Fund	5,000
Total (Not to exceed 84.35 F.T.E.)	<u>\$6,613,630</u>

SECTION 6.085. — 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	\$1E
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SECTION 6.090. — To the Department of Agriculture
For the Division of Grain Inspection and Warehousing
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

From General Revenue	\$763,614
From Federal and Other Funds	120,371
Personal Service	1,500,381
Expense and Equipment	274,636
Payment of Federal User Fee	<u>100,000</u>
From Grain Inspection Fees Fund	1,875,017
Personal Service	76,543
Expense and Equipment	<u>21,526</u>
From Commodity Council Merchandising Fund	98,069
Total (Not to exceed 65.25 F.T.E.)	<u>\$2,857,071</u>

SECTION 6.095. — To the Department of Agriculture
For the Division of Grain Inspection and Warehousing
For the Missouri Aquaculture Council
From Aquaculture Marketing Development Fund

	\$11,000
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For research, promotion, and market development of apples
From Apple Merchandising Fund

	11,000
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For the Missouri Wine Marketing and Research Council
From Missouri Wine Marketing and Research Development Fund

	<u>111,000</u>
Total	\$133,000

SECTION 6.100. — To the Department of Agriculture
For the Division of Plant Industries
Personal Service
Expense and Equipment
From Federal and Other Funds (Not to exceed 61.71 F.T.E.)

	\$2,344,985
	<u>1,463,869</u>
	3,808,854

SECTION 6.105. — To the Department of Agriculture
For the Division of Weights and Measures

Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

From General Revenue Funds	\$529,690
From Federal and Other Funds	998,775

Personal Service	1,531,705
Expense and Equipment	<u>57,817</u>
From Petroleum Inspection Fund	<u>2,289,522</u>
Total (Not to exceed 70.11 F.T.E.)	\$3,817,987

SECTION 6.110. — To the Department of Agriculture

For the Missouri State Fair

Personal Service	
From Federal and Other Funds	\$507,800

Personal Service	1,447,289
Expense and Equipment	<u>2,699,740</u>
From State Fair Fees Fund	<u>4,147,029</u>
Total (Not to exceed 63.38 F.T.E.)	\$4,654,829

SECTION 6.115. — To the Department of Agriculture

For cash to start the Missouri State Fair

Expense and Equipment	
From State Fair Fees Fund	\$74,250
From State Fair Trust Fund	<u>9,900</u>
Total	\$84,150

SECTION 6.120. — To the Department of Agriculture

For the Missouri State Fair

For equipment replacement

Expense and Equipment	
From State Fair Fees Fund	\$165,962

SECTION 6.130. — To the Department of Agriculture

For the State Milk Board

Personal Service	\$101,975
Expense and Equipment	<u>872</u>
From General Revenue Fund	102,847

Personal Service	329,208
Expense and Equipment	<u>1,100,644</u>
From Milk Inspection Fees Fund	1,429,852

Expense and Equipment	
From State Contracted Manufacturing Dairy Plant Inspection and Grading Fee Fund	<u>7,754</u>
Total (Not to exceed 11.93 F.T.E.)	\$1,540,453

SECTION 6.200. — To the Department of Natural Resources

For department operations, administration, and support

Personal Service	\$189,210
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Expense and Equipment	64,095
From General Revenue Fund	253,305

Personal Service	3,789,855
Expense and Equipment	1,021,912
From Federal and Other Funds	4,811,767

For Contractual Audits	
From Federal and Other Funds	500,000
Total (Not to exceed 87.19 F.T.E.)	\$5,565,072

SECTION 6.205. — To the Department of Natural Resources

For the Division of Energy	
Personal Service	\$1,951,966
Expense and Equipment	656,037
From Federal and Other Funds	2,608,003

For the purpose of funding the promotion of energy, renewable energy, and energy efficiency	
From Utilicare Stabilization Fund	100
From Federal and Other Funds	30,027,000
Total (Not to exceed 37.00 F.T.E.)	\$32,635,103

SECTION 6.210. — To the Department of Natural Resources

For the Water Resources Center	
Personal Service	\$1,388,097
Expense and Equipment	1,569,772
From General Revenue Fund	2,957,869

Personal Service	400,210
Expense and Equipment	190,209
From Federal and Other Funds	590,419
Total (Not to exceed 32.80 F.T.E.)	\$3,548,288

SECTION 6.215. — To the Department of Natural Resources

For the Soil and Water Conservation Program	
Personal Service	\$1,343,367
Expense and Equipment	630,730
From Federal and Other Funds	1,974,097

For demonstration projects and technical assistance related to soil and water conservation	
From Federal Funds	100,000

For grants to local soil and water conservation districts	11,680,570
For soil and water conservation cost-share grants	27,700,000
For a conservation equipment incentive program	500,000
For a special area land treatment program	2,100,000
For grants to colleges and universities for research projects on soil erosion and conservation	200,000
From Soil and Water Sales Tax Fund	2,180,570
Total (Not to exceed 32.86 F.T.E.)	\$44,254,667

SECTION 6.220. — To the Department of Natural Resources	
For the Division of Environmental Quality	
Personal Service and/or Expense and Equipment, provided that not more than	
twenty-five percent (25%) flexibility is allowed between the programs	
and/or regional offices listed in this section and that not more than twenty-five	
percent (25%) flexibility is allowed between personal service and expense	
and equipment	
From General Revenue Fund	\$4,421,981
Personal Service	30,826,263
Expense and Equipment	<u>10,722,533</u>
From Federal and Other Funds	41,548,796
For funding environmental education and studies, demonstration	
projects, and technical assistance grants	
From Federal and Other Funds	1,750,000
For state construction grants and loans	
From Federal and Other Funds	6,499,999
For loans pursuant to Sections 644.026 through 644.124, RSMo	
From Water and Wastewater Loan Fund and/or Water and Wastewater	
Loan Revolving Fund	240,000,000
For rural sewer and water grants and loans	
From Water Pollution Control Fund and/or Rural Water and Sewer Loan	
Revolving Fund	20,769,825
For stormwater control grants or loans	
From Water Pollution Control Fund, Stormwater Control Fund, and/or	
Stormwater Loan Revolving Fund	19,014,141
For loans for drinking water systems pursuant to Sections 644.026 through	
644.124, RSMo	
From Water and Wastewater Loan Fund and/or Water and	
Wastewater Loan Revolving Fund	33,000,000
For grants and contracts to study or reduce water pollution, improve	
ground water and/or surface water quality	
From Federal Funds	19,800,000
From Natural Resources Protection Fund-Water Pollution Permit Fee	
Subaccount	1,700,000
For drinking water sampling, analysis, and public drinking water quality	
and treatment studies	
From Safe Drinking Water Fund	599,852
For closure of concentrated animal feeding operations	
From Concentrated Animal Feeding Operation Indemnity Fund	100,000
For grants and contracts for air pollution control activities	
From Federal and Other Funds	5,672,621

For asbestos grants and contracts	
From Natural Resources Protection Fund-Air Pollution Asbestos Fee Subaccount . . .	75,000
For the cleanup of leaking underground storage tanks	
From Federal Funds	420,000
For the cleanup of hazardous waste sites	
From Federal and Other Funds	975,000
From Hazardous Waste Fund	200,000
From Dry-cleaning Environmental Response Trust Fund	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	22,200,000
From Solid Waste Management Fund-Scrap Tire Subaccount	3,000,000
For funding all expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, with General Revenue Fund expenditures not to exceed collections pursuant to Section 260.228, RSMo	
From General Revenue Fund	16,386E
From Post Closure Fund	425,000
For the receipt and expenditure of bond forfeiture funds for the reclamation of mined land	
From Mined Land Reclamation Fund	899,750
For the reclamation of mined lands under the provisions of Section 444.960, RSMo	
From Coal Mine Land Reclamation Fund	349,750
For the reclamation of abandoned mined lands	
From Federal Funds	3,183,000
For contracts for hydrologic studies to assist small coal operators to meet permit requirements	
From Federal Funds	50,000
For contracts for the analysis of hazardous waste samples	
From Federal Funds	100,000
From Hazardous Waste Fund	60,210
For the environmental emergency response system	
From Other Funds	30,000E
From Federal Funds	250,000
For emergency response loans in accordance with Section 260.546, RSMo	
From Hazardous Waste Fund	150,000
For cleanup of controlled substances	
From Federal Funds	150,000
Total (Not to exceed 794.24 F.T.E.)	\$427,761,311

SECTION 6.260. — To the Department of Natural Resources	
For the Division of Geology and Land Survey	
Personal Service	\$600,824
Expense and Equipment	<u>156,580</u>
From General Revenue Fund	757,404
Personal Service	2,606,383
Expense and Equipment	<u>660,572</u>
From Federal and Other Funds	3,266,955
For expenditures in accordance with the provisions of Section 259.190, RSMo	
From Oil and Gas Remedial Fund	23,000E
For surveying corners and for records restorations	
From General Revenue	30,000
From Federal and Other Funds	<u>240,000</u>
Total (Not to exceed 76.05 F.T.E.)	\$4,317,359
SECTION 6.265. — To the Department of Natural Resources	
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Water Development Fund	
From General Revenue Fund	\$929,656
SECTION 6.270. — To the Department of Natural Resources	
For the payment of interest, operations, and maintenance in accordance with the Cannon Water Contract	
From Missouri Water Development Fund	\$929,656
SECTION 6.275. — To the Department of Natural Resources	
For petroleum related activities and environmental emergency response	
Personal Service	\$601,033
Expense and Equipment	<u>57,806</u>
From Petroleum Storage Tank Insurance Fund (Not to exceed 16.20 F.T.E.)	\$658,839
SECTION 6.280. — To the Department of Natural Resources	
For the Board of Trustees for the Petroleum Storage Tank Insurance Fund	
For the general administration and operation of the fund	
Personal Service	\$192,356
Expense and Equipment	<u>2,100,245</u>
For the purpose of investigating and paying claims obligations of the Petroleum Storage Tank Insurance Fund	
	20,000,000
For the purpose of funding the refunds of erroneously collected receipts	<u>10,000E</u>
From Petroleum Storage Tank Insurance Fund (Not to exceed 2.00 F.T.E.)	\$22,302,601
SECTION 6.285. — To the Department of Natural Resources	
For the Division of State Parks	
For field operations, administration, and support	
Personal Service	\$20,998,393
Expense and Equipment	<u>11,206,098</u>
From Federal and Other Funds	32,204,491

For payments to levee districts From Parks Sales Tax Fund	15,000
For the Bruce R. Watkins Cultural Heritage Center From Parks Sales Tax Fund	100,000
For the payment to counties in lieu of real property taxes, as appropriate, on lands acquired by the department after July 1, 1985, for park purposes and not more than the amount of real property tax imposed by political subdivisions at the time acquired, in accordance with the provisions of Section 47(a) of the Constitution of Missouri From Parks Sales Tax Fund	30,000
For recoupments and donations that are consistent with current operations and conceptual development plans. The expenditure of any single directed donation of funds greater than \$500,000 requires the notification of the chairperson or designee of both Senate Appropriations and House Budget committees From State Park Earnings Fund	2,000,000
For the purchase of publications, souvenirs, and other items for resale at state parks and state historic sites Expense and Equipment From State Park Earnings Fund	1,000,000
For all expenses incurred in the operation of state park concession projects or facilities when such operations are assumed by the Department of Natural Resources From State Park Earnings Fund	199,350
For the expenditure of grants to state parks From Federal and Other Funds	500,000
For grants-in-aid from the Land and Water Conservation Fund and other funds to state agencies and political subdivisions for outdoor recreation projects From Federal Funds	7,900,000
Total (Not to exceed 659.71 F.T.E.)	\$43,948,841
SECTION 6.290. — To the Department of Natural Resources	
For Historic Preservation Operations	
Personal Service	\$683,119
Expense and Equipment	105,890
From Federal and Other Funds	789,009
For historic preservation grants and contracts From Federal and Other Funds	2,407,243
Total (Not to exceed 17.25 F.T.E.)	\$3,196,252
SECTION 6.295. — To the Department of Natural Resources	
There is hereby transferred out of the State Treasury, chargeable to the	

General Revenue Fund, to the Historic Preservation Revolving Fund	
From General Revenue Fund	\$100,000
SECTION 6.300. — To the Department of Natural Resources For expenditures of payments received for damages to the state's natural resources From Natural Resources Protection Fund-Damages Subaccount or Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount	\$319,661
SECTION 6.310. — To the Department of Natural Resources For revolving services Expense and Equipment From Natural Resources Revolving Services Fund	\$3,119,619
SECTION 6.315. — To the Department of Natural Resources For the purpose of funding the refund of erroneously collected receipts From Federal and Other Funds	\$250,000E
SECTION 6.320. — To the Department of Natural Resources For sales tax on retail sales From Federal and Other Funds	\$250,000
SECTION 6.330. — There is hereby transferred out of the State Treasury to the Department of Natural Resources 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 From Federal and Other Funds	\$17,570,673
SECTION 6.335. — There is hereby 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 Federal Funds	\$2,788,018
SECTION 6.340. — To the Department of Natural Resources For the State Environmental Improvement and Energy Resources Authority For all costs incurred in the operation of the authority, including special studies From State Environmental Improvement Authority Fund	\$1
SECTION 6.600. — To the Department of Conservation For Personal Service and Expense and Equipment, including refunds; and for payments to counties for the unimproved value of land in lieu of property taxes for privately owned lands acquired by the Conservation Commission after July 1, 1977, and for lands classified as forest croplands From Conservation Commission Fund (Not to exceed 1,812.81 F.T.E.)	\$146,827,160
Department of Agriculture Totals	
General Revenue Fund	\$14,596,437
Federal Funds	4,500,772

Other Funds	21,545,025
Total	\$40,642,234

Department of Natural Resources Totals

General Revenue Fund	\$9,466,601
Federal Funds	74,450,189
Other Funds	508,980,380
Total	\$592,897,170

Department of Conservation Totals

Total - Other Funds	\$146,827,160
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Approved June 22, 2012

HB 2007 [CCS SS SCS HCS HB 2007]

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

APPROPRIATIONS: DEPARTMENT OF ECONOMIC DEVELOPMENT; DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION; AND DEPARTMENT OF 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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013 as follows:

SECTION 7.005.— To the Department of Economic Development

For general administration of Administrative Services

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

From General Revenue Fund

	\$459,398
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Personal Service	1,089,598
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Expense and Equipment	463,035
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From Federal Funds	1,552,633
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Personal Service	523,163
Expense and Equipment	614,919
For refunds	<u>5,000E</u>
From Department of Economic Development Administrative Fund	<u>1,143,082</u>
Total (Not to exceed 38.31 F.T.E.)	\$3,155,113

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 Federal Funds	\$1,000,000
From Division of Tourism Supplemental Revenue Fund	159,347
From Manufactured Housing Fund	11,065
From Public Service Commission Fund	300,000
From Missouri Arts Council Trust Fund	<u>40,315</u>
Total	\$1,510,727

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

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 and not more than ten
percent (10%) flexibility is allowed between teams

From General Revenue Fund	\$128,179
From Federal Funds	1,770,738

For the Marketing Team

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 and not more than ten
percent (10%) flexibility is allowed between teams

From General Revenue Fund	150,715
From Federal Funds	186,959
From Department of Economic Development Administrative Fund	43,498
From International Promotions Revolving Fund	1,227,800
From Economic Development Advancement Fund	458,421

For the Sales Team

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 and not more than ten
percent (10%) flexibility is allowed between teams

From General Revenue Fund	59,240
From Federal Funds	107,133
From Department of Economic Development Administrative Fund	6,747
From Economic Development Advancement Fund	1,072,984

For the Finance Team

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 and not more than ten
percent (10%) flexibility is allowed between teams

From Federal Funds	324,235
From Economic Development Advancement Fund	890,233
For the Compliance Team	
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 and not more than ten percent (10%) flexibility is allowed between teams	
From General Revenue Fund	86,967
From Federal Funds	739,458
From Economic Development Advancement Fund	29,479
For refunding any overpayment or erroneous payment of any amount that is credited to the Economic Development Advancement Fund	
From Economic Development Advancement Fund	1E
For International Trade and Investment Offices	
From Economic Development Advancement Fund	650,000
For Business Recruitment and Marketing	
From Economic Development Advancement Fund	1,250,000
Total (Not to exceed 107.22 F.T.E.)	\$9,182,787
SECTION 7.016. — To the Department of Economic Development	
For an economic development incentives programs due diligence officer	
Personal Service	
From Federal Funds (Not to exceed 1.00 F.T.E.)	\$50,000
SECTION 7.017. — To the Department of Economic Development	
For the response to, and analysis of, the impact of Missouri's military bases on the nation's military readiness and the state's economy	
From General Revenue Fund	\$200,000
SECTION 7.020. — To the Department of Economic Development	
For the Missouri Technology Corporation	
For administration and for science and technology development, including, but not limited to, innovation centers and Missouri Manufacturing Extension Partnership. The Missouri Technology Corporation shall provide a semi-annual report no later than December 31, 2012 and July 31, 2013 to the Chairman of the Senate Appropriations Committee and the Chairman of the House Budget Committee containing, at a minimum, a description of each grant awarded, the amount of the grant, benchmarks established and obtained, jobs created, and other funds leveraged as a result of the grant. All funds appropriated to the Missouri Technology Corporation by the General Assembly shall be subject to the provisions of Section 196.1127, RSMo.	
From Missouri Technology Investment Fund	\$1,360,000
SECTION 7.025. — Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Technology Investment Fund. All funds appropriated to the	

Missouri Technology Corporation by the General Assembly shall
be subject to the provisions of Section 196.1127, RSMo.
From General Revenue Fund \$1,360,000

SECTION 7.030.— To the Department of Economic Development
For the Division of Business and Community Services
For Community Development Programs
From Federal Funds \$100,000,000

For the Missouri Disaster Case Management Program
Expense and Equipment
From Federal Funds 10,000,000
Total \$110,000,000

SECTION 7.035.— To the Department of Economic Development
For the State Small Business Credit Initiative
Personal Service \$229,122
Expense and Equipment 14,540,360
From Federal Funds \$14,769,482

SECTION 7.040.— To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Main Street Program
From Missouri Main Street Program Fund \$42,614

SECTION 7.045.— Funds are to be transferred out of the State Treasury,
chargeable to the General Revenue Fund, to the Missouri Main
Street Program Fund
From General Revenue Fund \$42,614

SECTION 7.055.— To the Department of Economic Development
For Missouri supplemental tax increment financing as provided in Section
99.845, RSMo. This appropriation may be used for the following
projects: Kansas City Midtown, Independence Santa Fe Trail
Neighborhood, St. Louis City Convention Hotel, Cupples Station,
Springfield Jordan Valley Park, Kansas City Bannister Mall
Retail/Three Trails Office, St. Louis Lambert Airport Eastern
Perimeter, Old Post Office in Kansas City, 1200 Main Garage
Project in Kansas City, Riverside Levee, Branson Landing, Eastern
Jackson County Bass Pro, Kansas City East Village Project, and
Joplin Disaster Area. 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 \$8,226,570

SECTION 7.060.— Funds are to be transferred out of the State Treasury,
chargeable to the General Revenue Fund, to the Missouri
Supplemental Tax Increment Financing Fund
From General Revenue Fund \$8,226,570

SECTION 7.065.— 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 \$1,040,450

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 \$200,000

SECTION 7.090.— To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Community Service Commission
Personal Service
From General Revenue Fund \$33,652

Personal Service 191,769
Expense and Equipment 3,750,000
From Federal Funds 3,941,769
Total (Not to exceed 5.00 F.T.E.) \$3,975,421

***SECTION 7.095.**— To the Department of Economic Development
For the Missouri State Council on the Arts
Personal Service \$298,806
Expense and Equipment 635,014
From Federal Funds 933,820

Personal Service 467,018
Expense and Equipment 9,158,414
From Missouri Arts Council Trust Fund 9,625,432

For grants to public television and radio stations as provided in Section
143.183, RSMo
From Missouri Public Broadcasting Corporation Special Fund 100,000

For the Missouri Humanities Council
Expense and Equipment 350,000
For the 2012 Blues in Schools Program 80,000
From Missouri Humanities Council Trust Fund 430,000

For a museum that commemorates the contributions of African-
American athletes to the sport of baseball
From Business Extension Service Team Fund 100,000
Total (Not to exceed 15.00 F.T.E.) \$11,189,252

*I hereby veto \$80,000 Missouri Humanities Council Trust Fund for the 2012 Blues in Schools Program. This appropriation attempts to bypass the well-established process that is in place to ensure accountability and fairness in selecting recipients of humanities grants.

For the 2012 Blues in Schools Program.
From \$80,000 to \$0 Missouri Humanities Council Trust Fund.
From \$430,000 to \$350,000 in total from Missouri Humanities Council Trust Fund.

From \$11,189,252 to \$11,109,252 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 7.100.— Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Arts Council Trust Fund as authorized by Sections 143.183 and 185.100, RSMo

From General Revenue Fund \$600,000

SECTION 7.105.— Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Humanities Council Trust Fund as authorized by Sections 143.183 and 186.065, RSMo

From General Revenue Fund \$100,000

SECTION 7.110.— Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Public Broadcasting Corporation Special Fund as authorized by Section 143.183, RSMo

From General Revenue Fund \$100,000

SECTION 7.115.— To the Department of Economic Development
For the Division of Workforce Development
For general administration of Workforce Development activities

Personal Service	\$20,732,101
Expense and Equipment	<u>2,911,136</u>
From Federal Funds	23,643,237

Personal Service	377,490
Expense and Equipment	<u>81,389</u>
From Missouri Job Development Fund	458,879

For the Show-Me Heroes Program

From Hero at Home Fund 500,000

For the purpose of providing funding for specific persons with autism through a contract with a Southeast Missouri not-for-profit organization concentrating on the maximization of giftedness, workforce transition skills, independent living skills, and employment support services

From General Revenue Fund	<u>200,000</u>
Total (Not to exceed 510.72 F.T.E.)	\$24,802,116

SECTION 7.120.— Funds are to be transferred out of the State Treasury, chargeable to Federal Funds, to the Hero at Home Fund

From Federal Funds \$500,000

SECTION 7.125.— To the Department of Economic Development
For job training and related activities

From General Revenue Fund	\$1,873,994
From Federal Funds	95,839,374

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 Federal Funds	18,000,000
Total	\$115,713,368

SECTION 7.130.— To the Department of Economic Development
For funding new and expanding industry training programs and basic industry retraining programs

From Missouri Job Development Fund	\$14,502,235
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SECTION 7.135.— Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Job Development Fund

From General Revenue Fund	\$9,945,339
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SECTION 7.140.— To the Department of Economic Development
For the Missouri Community College New Jobs Training Program
For funding training of workers by community college districts

From Missouri Community College Job Training Program Fund	\$16,000,000
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SECTION 7.145.— To the Department of Economic Development
For the Missouri Community College Job Retention Training Program

From Missouri Community College Job Retention Training Program Fund	\$10,000,000
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SECTION 7.150.— To the Department of Economic Development
For the Missouri Women's Council

Personal Service	\$56,224
Expense and Equipment	16,502
From Federal Funds (Not to exceed 1.00 F.T.E.)	\$72,726

SECTION 7.155.— To the Department of Economic Development
For the Division of Tourism
For the Office of the Film Commission
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

From Business Extension Service Team Fund	\$100,000
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For the Division of Tourism to include coordination of advertising of at least \$70,000 for the Missouri State Fair

Personal Service	\$1,639,591
Expense and Equipment	12,083,346
From Division of Tourism Supplemental Revenue Fund	13,722,937

Expense and Equipment	
From Tourism Marketing Fund	24,500
Total (Not to exceed 42.00 F.T.E.)	\$13,847,437

SECTION 7.160. — Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Division of Tourism Supplemental Revenue Fund
 From General Revenue Fund \$13,000,000

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

SECTION 7.170. — To the Department of Economic Development
 For Manufactured Housing
 Personal Service \$347,948
 Expense and Equipment 141,296
 For Manufactured Housing programs 20,000
 For refunds 10,000E
 From Manufactured Housing Fund 519,244

For Manufactured Housing to pay consumer claims
 From Manufactured Housing Consumer Recovery Fund 192,000
 Total (Not to exceed 8.00 F.T.E.) \$711,244

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

SECTION 7.180. — 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
 From Public Service Commission Fund (Not to exceed 12.00 F.T.E.) \$708,673

SECTION 7.185. — To the Department of Economic Development
 For the Public Service Commission
 For general administration of utility regulation activities
 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 \$12,393,636
 For refunds 10,000E
 From Public Service Commission Fund 12,403,636

For the Deaf Relay Service and Equipment Distribution Program
 From Deaf Relay Service and Equipment Distribution Program Fund 2,499,750
 Total (Not to exceed 194.00 F.T.E.) \$14,903,386

SECTION 7.400. — To the Department of Insurance, Financial Institutions and Professional Registration
 Personal Service \$138,845

Expense and Equipment	40,674
From Department of Insurance, Financial Institutions and Professional Registration Administrative Fund (Not to exceed 4.82 F.T.E.)	\$179,519

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	\$40,000
From Division of Finance Fund	125,000
From Insurance Dedicated Fund	35,000
From Professional Registration Fees Fund	200,000
Total	\$400,000

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

From Federal Funds (Not to exceed 21.00 F.T.E.)	\$1,416,798
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SECTION 7.415.— To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of federal funds, to the Insurance
Dedicated Fund, for the purpose of administering federal grants

From Federal Funds	\$150,000
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SECTION 7.420.— To the Department of Insurance, Financial Institutions and Professional Registration
For Insurance Operations

Personal Service	\$6,962,668
Expense and Equipment	1,906,429
From Insurance Dedicated Fund	8,869,097

For consumer restitution payments

From Consumer Restitution Fund	5,000
Total (Not to exceed 154.36 F.T.E.)	\$8,874,097

SECTION 7.425.— To the Department of Insurance, Financial Institutions and Professional Registration
For market conduct and financial examinations of insurance companies

Personal Service	\$3,251,758
Expense and Equipment	765,674
From Insurance Examiners Fund (Not to exceed 42.50 F.T.E.)	\$4,017,432

SECTION 7.430.— To the Department of Insurance, Financial Institutions and Professional Registration
For refunds

From Insurance Examiners Fund	\$60,000
From Insurance Dedicated Fund	75,000
Total	\$135,000

SECTION 7.435. — To the Department of Insurance, Financial Institutions and Professional Registration
For the purpose of funding programs providing counseling on health insurance coverage and benefits to Medicare beneficiaries

From Federal Funds	\$1,250,000
From Insurance Dedicated Fund	<u>200,000</u>
Total	\$1,450,000

SECTION 7.440. — To the Department of Insurance, Financial Institutions and Professional Registration
For the Division of Credit Unions

Personal Service	\$1,135,603
Expense and Equipment	<u>119,084</u>
From Division of Credit Unions Fund (Not to exceed 15.50 F.T.E.)	\$1,254,687

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

Personal Service	\$7,094,824
Expense and Equipment	880,241
For Out-of-State Examinations	<u>48,250</u>
From Division of Finance Fund (Not to exceed 118.15 F.T.E.)	\$8,023,315

SECTION 7.450. — Funds are to be transferred out of 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	\$50,000
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SECTION 7.455. — Funds are to be transferred out of the Residential Mortgage Licensing Fund, to the Division of Finance Fund, for the purpose of administering the Residential Mortgage Licensing Law

From Residential Mortgage Licensing Fund	\$700,000
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SECTION 7.460. — Funds are to be transferred out of 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	\$25,000
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SECTION 7.470. — To the Department of Insurance, Financial Institutions and Professional Registration
For general administration of the Division of Professional Registration

Personal Service	\$3,351,663
Expense and Equipment	1,037,686
For examination and other fees	252,000
For refunds	<u>125,000</u>
From Professional Registration Fees Fund (Not to exceed 84.50 F.T.E.)	\$4,766,349

SECTION 7.475. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Accountancy

Personal Service	\$282,933
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Expense and Equipment	<u>177,972</u>
From State Board of Accountancy Fund (Not to exceed 7.00 F.T.E.)	\$460,905

SECTION 7.480. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Architects, Professional Engineers, Land Surveyors, and Landscape Architects

Personal Service	\$381,662
Expense and Equipment	<u>324,596</u>
From State Board of Architects, Professional Engineers, Land Surveyors, and Landscape Architects Fund (Not to exceed 10.00 F.T.E.)	\$706,258

SECTION 7.485. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Chiropractic Examiners

Expense and Equipment	\$147,672
From State Board of Chiropractic Examiners' Fund	\$147,672

SECTION 7.490. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Cosmetology and Barber Examiners

Expense and Equipment	\$285,409
For criminal history checks	<u>1,000</u>
From Board of Cosmetology and Barber Examiners Fund	\$286,409

SECTION 7.495. — To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Dental Board

Personal Service	\$378,550
Expense and Equipment	<u>259,473</u>
From Dental Board Fund (Not to exceed 8.50 F.T.E.)	\$638,023

SECTION 7.500. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Embalmers and Funeral Directors

Expense and Equipment	\$204,033
From Board of Embalmers and Funeral Directors' Fund	\$204,033

SECTION 7.505. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Registration for the Healing Arts

Personal Service	\$1,823,863
Expense and Equipment	<u>768,439</u>
From Board of Registration for Healing Arts Fund (Not to exceed 45.00 F.T.E.)	\$2,592,302

SECTION 7.510. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Nursing

Personal Service	\$1,202,773
Expense and Equipment	<u>591,646</u>
From State Board of Nursing Fund (Not to exceed 28.00 F.T.E.)	\$1,794,419

SECTION 7.515. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Optometry
Expense and Equipment
From Optometry Fund \$41,110

SECTION 7.520. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Pharmacy
Personal Service \$943,420
Expense and Equipment 666,448
For criminal history checks 5,000
From Board of Pharmacy Fund (Not to exceed 14.00 F.T.E.) \$1,614,868

SECTION 7.525. — 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 \$20,069

SECTION 7.530. — To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Real Estate Commission
Personal Service \$913,308
Expense and Equipment 279,694
From Real Estate Commission Fund (Not to exceed 25.00 F.T.E.) \$1,193,002

SECTION 7.535. — To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Veterinary Medical Board
Expense and Equipment \$68,079
For payment of fees for testing services 50,000
From Veterinary Medical Board Fund \$118,079

SECTION 7.540. — To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred, for administrative costs, to the General Revenue Fund
From State Board of Accountancy Fund \$19,000
From State Board of Architects, Professional Engineers, Land Surveyors and Landscape Architects Fund 122,100
From Athletic Fund 14,400
From State Board of Chiropractic Examiners' Fund 8,000
From Licensed Social Workers Fund 22,500
From Committee of Professional Counselors Fund 40,000
From Dental Board Fund 31,200
From Dietitian Fund 1,200
From Board of Embalmers and Funeral Directors' Fund 85,000
From Endowed Care Cemetery Audit Fund 10,500
From Board of Geologist Registration Fund 7,200
From Board of Registration for Healing Arts Fund 100,000
From Hearing Instrument Specialist Fund 17,500

From Interior Designer Council Fund	1,200
From Marital and Family Therapists' Fund	6,000
From State Board of Nursing Fund	135,000
From Missouri Board of Occupational Therapy Fund	8,960
From Optometry Fund	13,408
From Board of Pharmacy Fund	119,000
From State Board of Podiatric Medicine Fund	16,000
From State Committee of Psychologists Fund	33,500
From Missouri Real Estate Appraisers Fund	155,000
From Respiratory Care Practitioners Fund	28,000
From State Committee of Interpreters Fund	7,800
From Real Estate Commission Fund	250,000
From Veterinary Medical Board Fund	55,000
From Board of Private Investigator Examiners Fund	16,500
From Tattoo Fund	31,000
From Acupuncturist Fund	1,000
From Massage Therapy Fund	13,000
From Athletic Agent Fund	1,000
From Board of Cosmetology and Barber Examiners Fund	91,250
Total	\$1,461,218

SECTION 7.545.— 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 State Board of Accountancy Fund	\$176,701
From State Board of Architects, Professional Engineers, Land Surveyors, and Landscape Architects Fund	278,472
From Athletic Fund	241,144
From Board of Chiropractic Examiners' Fund	143,327
From Licensed Social Workers Fund	237,471
From Committee of Professional Counselors Fund	283,797
From Dental Board Fund	100,584
From Dietitian Fund	56,348
From Board of Embalmers and Funeral Directors' Fund	836,714
From Endowed Care Cemetery Audit Fund	122,879
From Board of Geologist Registration Fund	71,215
From Board of Registration for Healing Arts Fund	433,431
From Hearing Instrument Specialist Fund	88,470
From Interior Designer Council Fund	42,037
From Marital and Family Therapists' Fund	19,024
From State Board of Nursing Fund	1,104,260
From Missouri Board of Occupational Therapy Fund	138,152
From Optometry Fund	102,381
From Board of Pharmacy Fund	318,869
From State Board of Podiatric Medicine Fund	42,473
From State Committee of Psychologists Fund	348,058
From Missouri Real Estate Appraisers Fund	419,574
From Respiratory Care Practitioners Fund	137,692
From State Committee of Interpreters Fund	66,549
From Real Estate Commission Fund	540,206
From Veterinary Medical Board Fund	188,724

From Tattoo Fund	81,254
From Acupuncturist Fund	13,444
From Massage Therapy Fund	341,082
From Athletic Agent Fund	3,737
From Board of Cosmetology and Barber Examiners Fund	1,664,242
From Board of Private Investigator Examiners Fund	<u>186,721</u>
Total	\$8,829,032

SECTION 7.550.— Funds are to be transferred, for funding new licensing activity pursuant to Section 324.016, RSMo, to the Professional Registration Fees Fund

From any board funds	\$200,000
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SECTION 7.555.— 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	\$320,000
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SECTION 7.800.— To the Department of Labor and Industrial Relations For the Director and Staff Expense and Equipment

From Unemployment Compensation Administration Fund	\$1,764,700
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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

From Department of Labor and Industrial Relations Administrative Fund	<u>3,986,002</u>
Total (Not to exceed 49.90 F.T.E.)	\$5,750,702

SECTION 7.805.— Funds are to be transferred, for payment of administrative costs, to the Department of Labor and Industrial Relations Administrative Fund

From General Revenue Fund	\$217,251
From Federal Funds	4,413,943
From Workers' Compensation Fund	893,543
From Special Employment Security Fund	<u>100,000</u>
Total	\$5,624,737

SECTION 7.810.— Funds are to be transferred, for payment of administrative costs charged by the Office of Administration, to the Department of Labor and Industrial Relations Administrative Fund

From General Revenue Fund	\$96,467
From Federal Funds	4,632,317
From Workers' Compensation Fund	<u>959,192</u>
Total	\$5,687,976

SECTION 7.815.— To the Department of Labor and Industrial Relations For the Labor and Industrial Relations Commission 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

From General Revenue Fund	\$9,983
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Personal Service	488,553
Expense and Equipment	<u>75,487</u>
From Unemployment Compensation Administration Fund	564,040

Personal Service	365,664
Expense and Equipment	<u>54,189</u>
From Workers' Compensation Fund	419,853
Total (Not to exceed 14.00 F.T.E.)	<u>\$993,876</u>

SECTION 7.820.— To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For Administration

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 From General Revenue Fund	\$751,977
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Expense and Equipment From Federal Funds	32,670
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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 From Workers' Compensation Fund	224,450
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Expense and Equipment From Child Labor Enforcement Fund	179,450
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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 From Mine Inspection Fund	<u>50,000</u>
Total (Not to exceed 18.50 F.T.E.)	<u>\$1,238,547</u>

SECTION 7.825.— To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For safety and health programs

Personal Service	\$691,130
Expense and Equipment	<u>290,893</u>
From Federal Funds	982,023

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 From Workers' Compensation Fund	<u>128,420</u>
Total (Not to exceed 17.00 F.T.E.)	<u>\$1,110,443</u>

SECTION 7.830.— To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For mine safety and health training programs

Personal Service	\$179,738
Expense and Equipment	<u>165,081</u>

From Federal Funds 344,819

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
From Workers' Compensation Fund 83,293
Total (Not to exceed 5.50 F.T.E.) \$428,112

SECTION 7.835.— To the Department of Labor and Industrial Relations
For the State Board of Mediation

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
From General Revenue Fund (Not to exceed 2.00 F.T.E.) \$119,543

SECTION 7.840.— To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation

For the purpose of funding Administration
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 \$9,071,139
Annual salary adjustment in accordance with Section 287.615, RSMo 248,749
Funds are to be transferred from the Workers' Compensation Fund pursuant
to Section 173.258, RSMo to the Kids' Chance Scholarship Fund 50,000
From Workers' Compensation Fund 9,369,888

Expense and Equipment
From Tort Victims' Compensation Fund 4,836
Total (Not to exceed 149.25 F.T.E.) \$9,374,724

SECTION 7.845.— For refunds for overpayment or erroneous payment of any
tax or any payment credited to the Workers' Compensation Fund

From Workers' Compensation Fund \$50,000E

SECTION 7.850.— 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 \$47,359,511

SECTION 7.855.— 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 \$250,000E

SECTION 7.860.— 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 \$1E

SECTION 7.865.— Funds are to be transferred out of the State Treasury,
chargeable to the General Revenue Fund, to the Line of Duty
Compensation Fund

From General Revenue Fund \$1E

SECTION 7.870.— 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 \$100,000E

SECTION 7.875.— Funds are to be transferred pursuant to Section 537.675,

RSMo, to the Basic Civil Legal Services Fund

From Tort Victims' Compensation Fund \$50,000E

SECTION 7.880.— To the Department of Labor and Industrial Relations

For the Division of Employment Security

Personal Service \$23,192,380

Expense and Equipment 8,000,000

From Unemployment Compensation Administration Fund 31,192,380

There is hereby appropriated out of the funds made available to Missouri under Section 903 of the Social Security Act, as necessary, to be used, under the direction of the Division of Employment Security, by providing job training assistance to unemployed claimants including, but not limited to, funding for tuition and fees at educational institutions

From Federal Stimulus Funds 9,522,006

Personal Service

From Unemployment Automation Fund 203,048

Total (Not to exceed 521.00 F.T.E.) \$40,917,434

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 \$11,000,000

SECTION 7.890.— To the Department of Labor and Industrial Relations

For the Division of Employment Security

Personal Service \$514,178

Expense and Equipment 6,000,000

For interest payments 1E

From Special Employment Security Fund (Not to exceed 14.21 F.T.E.) \$6,514,179

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 \$90,000

SECTION 7.900. — To the Department of Labor and Industrial Relations
 For the Division of Employment Security
 From Special Employment Security - Bond Proceeds Fund \$1E

SECTION 7.905. — 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 \$3,250,000E

SECTION 7.910. — To the Department of Labor and Industrial Relations
 For the Missouri Commission on Human Rights
 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 \$518,910
 For the Martin Luther King Commission 30,586
 From General Revenue Fund 549,496

Personal Service 912,252
 Expense and Equipment 161,866
 From Human Rights Commission Fund 1,074,118
 Total (Not to exceed 32.70 F.T.E.) \$1,623,614

Department of Economic Development Totals

General Revenue Fund \$36,566,668
 Federal Funds 271,931,564
 Other Funds 54,675,047
 Total \$363,173,279

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

Federal Funds \$2,666,798
 Other Funds 37,007,548
 Total \$39,674,346

Department of Labor and Industrial Relations Totals

General Revenue Fund \$1,744,718
 Federal Funds 65,523,016
 Other Funds 66,679,664
 Total \$133,947,398

Approved June 22, 2012

HB 2008 [CCS SS SCS HCS HB 2008]

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

APPROPRIATIONS: 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, 2012 and ending June 30, 2013.

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, 2012 and ending June 30, 2013, as follows:

SECTION 8.005. — To the Department of Public Safety

For the Office of the Director

Personal Service	\$743,947
Expense and Equipment	<u>99,149</u>
From General Revenue Fund	843,096

Personal Service	317,224
Expense and Equipment	<u>333,606</u>
From Federal Funds	650,830

Personal Service	368,675E
Expense and Equipment	<u>38,054,000E</u>
From DPS Federal Homeland Security Fund	38,422,675

Personal Service	206,358E
Expense and Equipment	<u>45,800E</u>
From Justice Assistance Grant Program Fund	252,158

Personal Service	75,133
Expense and Equipment	<u>15,042</u>
From Services to Victims Fund	90,175

Personal Service	441,392
Expense and Equipment	<u>1,453,268</u>
From Crime Victims' Compensation Fund	1,894,660

Expense and Equipment	
From Missouri Crime Prevention Information and Programming Fund	1,000
From Antiterrorism Fund	10,000

For Community Intervention Program for Youth and Families in Kansas City

From General Revenue Fund	<u>100,000</u>
Total (Not to exceed 48.00 F.T.E.)	\$42,264,594

SECTION 8.010. — To the Department of Public Safety

For the Office of the Director

For the Juvenile Justice Delinquency Prevention Program

From Federal Funds	\$1,250,000
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SECTION 8.015. — To the Department of Public Safety
 For the Office of the Director
 For the Juvenile Accountability Incentive Block Grant Program
 From Federal Funds \$1,000,000

SECTION 8.020. — To the Department of Public Safety
 For the Office of the Director
 For the Narcotics Control Assistance Program and multi-jurisdictional task
 forces
 From Federal Funds \$6,180,000E

SECTION 8.025. — To the Department of Public Safety
 For the Office of the Director
 For the 1122 Program
 For the purchase of counter-drug equipment through federal procurement
 channels by state and local law enforcement
 From Program 1122 Fund \$100,000

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 \$6,400,000

SECTION 8.040. — To the Department of Public Safety
 For the Office of the Director
 For the purpose of funding operating grants to local law enforcement cyber
 crimes task forces, provided that not more than three percent (3%)
 is used for grant administration
 From General Revenue Fund \$250,000

SECTION 8.045. — To the Department of Public Safety
 For the Office of the Director
 For the Services to Victims Program, provided up to five percent (5%) of
 each grant award be allowed for the administrative expenses of each
 grantee
 From Services to Victims Fund \$4,950,000E

For counseling and other support services for crime victims
 From Crime Victims' Compensation Fund 50,000
 Total \$5,000,000

SECTION 8.050. — To the Department of Public Safety
 For the Office of the Director
 For the Victims of Crime Program
 From Federal Funds \$7,500,000

SECTION 8.055. — To the Department of Public Safety
 For the Office of the Director
 For the Violence Against Women Program
 From Federal Funds \$2,499,500

SECTION 8.060.— To the Department of Public Safety
 For the Office of the Director
 For the Crime Victims' Compensation Program

From General Revenue Fund	\$1,600,000
From Federal Funds	3,400,000
From Crime Victims' Compensation Fund	<u>5,837,329</u>
Total	\$10,837,329

SECTION 8.065.— To the Department of Public Safety
 For the National Forensic Sciences Improvement Act Program

From Federal Funds	\$225,000
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SECTION 8.070.— To the Department of Public Safety
 For the State Forensic Laboratory Program

From State Forensic Laboratory Fund	\$399,200
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SECTION 8.075.— To the Department of Public Safety
 For the Office of the Director
 For the Residential Substance Abuse Treatment Program

From Federal Funds	\$600,000
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SECTION 8.080.— To the Department of Public Safety
 For the Office of the Director
 For peace officer training

From Peace Officer Standards and Training Commission Fund	\$1,400,000
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SECTION 8.085.— To the Department of Public Safety
 For the Missouri Public Safety Officer Medal of Valor Act

From General Revenue Fund	\$477
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SECTION 8.090.— To the Department of Public Safety
 For the Capitol Police

Personal Service	\$1,280,870
Expense and Equipment	<u>55,852</u>
From General Revenue Fund (Not to exceed 32.00 F.T.E.)	\$1,336,722

SECTION 8.095.— To the Department of Public Safety
 For the State Highway Patrol
 For Administration

Personal Service	\$15,529
Expense and Equipment	<u>3,395</u>
From General Revenue Fund	18,924

For the High-Intensity Drug Trafficking Area Program

From Federal Funds	2,600,000
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Personal Service	5,673,654
Expense and Equipment	<u>422,589</u>
From State Highways and Transportation Department Fund	6,096,243

Personal Service	
From Criminal Record System Fund	40,879

Personal Service	33,330
Expense and Equipment	<u>30,821</u>
From Gaming Commission Fund	64,151
Total (Not to exceed 109.00 F.T.E.)	<u>\$8,820,197</u>

SECTION 8.100. — 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	\$9,681,865E
Expense and Equipment	<u>884,588E</u>
From General Revenue Fund	10,566,453

Personal Service	2,296,897E
Expense and Equipment	<u>115,037E</u>
From Federal Funds	2,411,934

Personal Service	165,530E
Expense and Equipment	<u>14,028E</u>
From Gaming Commission Fund	179,558

Personal Service	1,119,736E
Expense and Equipment	<u>101,982E</u>
From Missouri State Water Patrol Fund	1,221,718

Personal Service	67,378,099E
Expense and Equipment	<u>6,288,232E</u>
From State Highways and Transportation Department Fund	73,666,331

Personal Service	2,932,533E
Expense and Equipment	<u>257,285E</u>
From Criminal Record System Fund	3,189,818

Personal Service	72,615E
Expense and Equipment	<u>6,427E</u>
From Highway Patrol Academy Fund	79,042

Personal Service	3,938E
Expense and Equipment	<u>617E</u>
From Highway Patrol's Motor Vehicle and Aircraft Revolving Fund	4,555

Personal Service	46,614E
Expense and Equipment	<u>6,026E</u>
From DNA Profiling Analysis Fund	52,640

Personal Service	49,950E
Expense and Equipment	<u>4,993E</u>
From Highway Patrol Traffic Records Fund	54,943
Total	<u>\$91,426,992</u>

SECTION 8.105. — To the Department of Public Safety

For the State Highway Patrol

For the Enforcement Program

Personal Service	\$8,213,616
Expense and Equipment	<u>693,515</u>

From General Revenue Fund	8,907,131
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Personal Service	63,657,834
Expense and Equipment	<u>4,644,629</u>

From State Highways and Transportation Department Fund	68,302,463
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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

Personal Service	3,075,408E
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Expense and Equipment	<u>8,207,677E</u>
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From Federal and Other Funds	11,283,085
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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	1,336,368
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Personal Service

From Criminal Record System Fund	102,380
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Expense and Equipment

From Gaming Commission Fund	600,854
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Personal Service	7,804
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Expense and Equipment	<u>202,625</u>
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From Highway Patrol's Motor Vehicle and Aircraft Revolving Fund	210,429
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For a statewide interoperable communication system

From General Revenue Fund	7,500,000
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From State Highways and Transportation Department Fund	<u>7,850,000</u>
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Total	15,350,000
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Expense and Equipment

From Highway Patrol Traffic Records Fund	<u>256,450</u>
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Total (Not to exceed 1,271.50 F.T.E.)	\$106,349,160
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SECTION 8.110. — To the Department of Public Safety

For the State Highway Patrol

For the Water Patrol Division

Personal Service	\$4,286,642
Expense and Equipment	<u>243,536</u>

From General Revenue Fund	4,530,178
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Personal Service	563,125
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Expense and Equipment	<u>2,296,825</u>
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From Federal Funds	2,859,950
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	20,000
Personal Service	1,682,999
Expense and Equipment	<u>590,000</u>
From Missouri State Water Patrol Fund	<u>2,272,999</u>
Total (Not to exceed 111.00 F.T.E.)	\$9,683,127

SECTION 8.115. — To the Department of Public Safety

For the State Highway Patrol

For gasoline expenses for State Highway Patrol vehicles, including aircraft
and Gaming Commission vehicles

Expense and Equipment	
From General Revenue Fund	\$338,678
From Gaming Commission Fund	565,497
From State Highways and Transportation Department Fund	<u>4,286,517</u>
Total	\$5,190,692

SECTION 8.120. — To the Department of Public Safety

For the State Highway Patrol

For purchase of vehicles and aircraft for the State Highway Patrol and the
Gaming Commission

Expense and Equipment	
From General Revenue Fund	\$24,664
From Federal Drug Seizure Fund	550,000
From State Highways and Transportation Department Fund	6,234,456
From Highway Patrol's Motor Vehicle and Aircraft Revolving Fund	6,267,240
From Gaming Commission Fund	<u>687,188</u>
Total	\$13,763,548

SECTION 8.125. — To the Department of Public Safety

For the State Highway Patrol

For Crime Labs

Personal Service	\$2,001,246
Expense and Equipment	<u>414,441</u>
From General Revenue Fund	2,415,687

Personal Service	3,674,490
Expense and Equipment	<u>894,529</u>
From State Highways and Transportation Department Fund	4,569,019

Personal Service	61,704
Expense and Equipment	<u>1,478,305</u>
From DNA Profiling Analysis Fund	1,540,009

Personal Service	226,520
Expense and Equipment	<u>900,000</u>
From Federal Funds	1,126,520

Personal Service	102,992
Expense and Equipment	<u>3,525</u>
From Criminal Record System Fund	106,517

Expense and Equipment	
From State Forensic Laboratory Fund	<u>275,000</u>
Total (Not to exceed 104.00 F.T.E.)	\$10,032,752

SECTION 8.130. — To the Department of Public Safety

For the State Highway Patrol

For the Law Enforcement Academy

Expense and Equipment

From Federal Funds	\$59,655
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Personal Service	166,459
Expense and Equipment	<u>179,857</u>
From Gaming Commission Fund	346,316

Personal Service	1,241,395
Expense and Equipment	<u>74,317</u>
From State Highways and Transportation Department Fund	1,315,712

Personal Service	97,896
Expense and Equipment	<u>601,661</u>
From Highway Patrol Academy Fund	<u>699,557</u>
Total (Not to exceed 34.00 F.T.E.)	\$2,421,240

SECTION 8.135. — To the Department of Public Safety

For the State Highway Patrol

For Vehicle and Driver Safety

Expense and Equipment

From Federal Funds	\$350,000
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Personal Service	10,602,248
Expense and Equipment	<u>958,546</u>
From State Highways and Transportation Department Fund	11,560,794

Expense and Equipment	
From Highway Patrol Inspection Fund	<u>75,000</u>
Total (Not to exceed 298.00 F.T.E.)	\$11,985,794

SECTION 8.140. — 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	\$40,000E
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SECTION 8.145. — To the Department of Public Safety

For the State Highway Patrol

For Technical Services

Personal Service

Expense and Equipment

From General Revenue Fund	361,219
	<u>37,773</u>
	398,992

Personal Service	210,180
Expense and Equipment	<u>2,500,000</u>
From Federal Funds	2,710,180

Personal Service	13,005,046
Expense and Equipment	<u>13,345,440</u>
From State Highways and Transportation Department Fund	26,350,486

Personal Service	3,680,954
Expense and Equipment	4,066,220
For National Criminal Record Reviews	<u>2,500,000</u>
From Criminal Record System Fund	10,247,174

Personal Service	
From Gaming Commission Fund	20,895
From Highway Patrol Traffic Records Fund	75,984

Expense and Equipment	
From Criminal Justice Network and Technology Revolving Fund	<u>2,000,000</u>
Total (Not to exceed 370.00 F.T.E.)	\$41,803,711

SECTION 8.150. — 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	\$65,000

SECTION 8.160. — To the Department of Public Safety

For the Division of Alcohol and Tobacco Control

Personal Service	\$831,957
Expense and Equipment	<u>110,923</u>
From General Revenue Fund	942,880

Personal Service	100,575
Expense and Equipment	<u>69,083</u>
From Federal Funds	169,658

Personal Service	109,867
Expense and Equipment	<u>35,894</u>
From Healthy Families Trust Fund	145,761
Total (Not to exceed 21.00 F.T.E.)	\$1,258,299

SECTION 8.165. — 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	\$18,000E
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SECTION 8.170. — To the Department of Public Safety

For the Division of Fire Safety, provided not more than five (5%)

flexibility is allowed from personal service to expense and

equipment and no flexibility is allowed from expense and equipment to personal service	
Personal Service	\$2,029,552
Expense and Equipment	<u>191,248</u>
From General Revenue Fund	2,220,800

Personal Service	319,421
Expense and Equipment	<u>76,123</u>
From Elevator Safety Fund	395,544

Personal Service	316,003
Expense and Equipment	<u>55,952</u>
From Boiler and Pressure Vessels Safety Fund	371,955

Personal Service	103,882
Expense and Equipment	<u>17,580</u>
From Missouri Explosives Safety Act Administration Fund	<u>121,462</u>
Total (Not to exceed 68.92 F.T.E.)	\$3,109,761

SECTION 8.175. — To the Department of Public Safety

For the Division of Fire Safety

For the Fire Safe Cigarette Program

Personal Service	\$20,383
Expense and Equipment	<u>12,864</u>
From Cigarette Fire Safety and Firefighter Protection Act Fund (Not to exceed 0 F.T.E.)	\$33,247

SECTION 8.180. — To the Department of Public Safety

For the Division of Fire Safety

For firefighter training contracted services

Expense and Equipment	
From General Revenue Fund	\$200,000
From Chemical Emergency Preparedness Fund	100,000
From Fire Education Fund	<u>320,000</u>
Total	\$620,000

SECTION 8.185. — To the Department of Public Safety

For the Missouri Veterans' Commission

For Administration and Service to Veterans

Personal Service	\$513,257
Expense and Equipment	<u>131,588</u>
From Missouri Veterans' Homes Fund	644,845

Personal Service	3,469,057
Expense and Equipment	<u>1,307,855</u>
From Veterans Commission Capital Improvement Trust Fund	4,776,912

Expense and Equipment	
From Veterans' Trust Fund	<u>23,832</u>
Total (Not to exceed 114.46 F.T.E.)	\$5,445,589

SECTION 8.190. — To the Department of Public Safety
 For the Missouri Veterans' Commission
 For Veterans' Service Officer Program
 From Veterans Commission Capital Improvement Trust Fund \$1,600,000

SECTION 8.195. — To the Department of Public Safety
 For the Missouri Veterans' Commission
 For Missouri Veterans' Homes
 Personal Service \$47,946,763
 Expense and Equipment 22,118,246
 From Missouri Veterans' Homes Fund 70,065,009

 Expense and Equipment
 From Veterans' Trust Fund 49,980

 Personal Service
 From Veterans Commission Capital Improvement Trust Fund 28,337

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

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 2,474,068
 Total (Not to exceed 1,639.48 F.T.E.) \$73,891,794

SECTION 8.200. — 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 \$23,000,000E

SECTION 8.205. — To the Department of Public Safety
 For the Gaming Commission
 For the Divisions of Gaming and Bingo
 Personal Service \$14,497,730
 Expense and Equipment 1,913,786
 From Gaming Commission Fund 16,411,516

 Expense and Equipment
 From Compulsive Gamblers Fund 59,635
 Total (Not to exceed 239.00 F.T.E.) \$16,471,151

SECTION 8.210. — To the Department of Public Safety
 For the Gaming Commission
 For fringe benefits, including retirement contributions for members of the
 Missouri Department of Transportation and Highway Patrol
 Employees' Retirement System, and insurance premiums for State
 Highway Patrol employees assigned to work under the direction of
 the Gaming Commission
 Personal Service \$4,809,328E

Expense and Equipment	267,317E
From Gaming Commission Fund	\$5,076,645

SECTION 8.215.— To the Department of Public Safety
 For the Gaming Commission
 For refunding any overpayment or erroneous payment of any amount that
 is credited to the Gaming Commission Fund
 From Gaming Commission Fund \$15,000E

SECTION 8.220.— To the Department of Public Safety
 For the Gaming Commission
 For refunding any overpayment or erroneous payment of any amount
 received for bingo fees
 From Bingo Proceeds for Education Fund \$5,000

SECTION 8.225.— To the Department of Public Safety
 For the Gaming Commission
 For breeder incentive payments
 From Missouri Breeders Fund \$5,000

SECTION 8.230.— 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 \$6,000,000E

SECTION 8.235.— 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 \$4,000,000

SECTION 8.240.— 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 \$5,000,000

SECTION 8.245.— Funds are to be transferred out of the State Treasury,
 chargeable to the Gaming Commission Fund, to the Early
 Childhood Development, Education and Care Fund
 From Gaming Commission Fund \$30,320,000E

SECTION 8.250.— 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 \$489,850

SECTION 8.255.— To the Adjutant General
 For Missouri Military Forces Administration
 Personal Service \$1,007,046
 Expense and Equipment 96,544
 From General Revenue Fund 1,103,590

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	<u>120,000</u>
Total (Not to exceed 29.48 F.T.E.)	\$1,223,590

SECTION 8.260. — To the Adjutant General
For activities in support of the Missouri National Guard, including the
National Guard Tuition Assistance Program and the Military
Honors Program

Expense and Equipment	
From General Revenue Fund	\$766,802
Personal Service	1,231,361
Expense and Equipment	<u>4,233,725</u>
From Missouri National Guard Trust Fund	<u>5,465,086</u>
Total (Not to exceed 42.40 F.T.E.)	\$6,231,888

SECTION 8.265. — To the Adjutant General
For the Veterans Recognition Program

Personal Service	\$90,891
Expense and Equipment	<u>538,840</u>
From Veterans Commission Capital Improvement Trust Fund (Not to exceed 3.00 F.T.E.)	\$629,731

SECTION 8.270. — To the Adjutant General
For Missouri Military Forces Field Support

Personal Service	\$669,561
Expense and Equipment	<u>187,637</u>
From General Revenue Fund	857,198
Personal Service	96,992
Expense and Equipment	<u>100,000</u>
From Federal Funds	<u>196,992</u>
Total (Not to exceed 40.37 F.T.E.)	\$1,054,190

SECTION 8.275. — To the Adjutant General
For operational expenses at armories from armory rental fees

Expense and Equipment	
From Adjutant General Revolving Fund	\$25,000

SECTION 8.280. — To the Adjutant General
For the Missouri Military Family Relief Program

Expense and Equipment	\$10,500
For grants to family members of the National Guard and reservists who are in financial need	<u>140,000</u>
From Missouri Military Family Relief Fund	\$150,500

SECTION 8.285. — To the Adjutant General
For training site operating costs

Expense and Equipment	
From Missouri National Guard Training Site Fund	\$300,000

SECTION 8.290.— To the Adjutant General

For Military Forces Contract Services

Personal Service	\$422,936
Expense and Equipment	<u>19,856</u>
From General Revenue Fund	442,792

Personal Service	12,072,314E
Expense and Equipment	<u>7,138,972E</u>
From Federal Funds	19,211,286

For refund of federal overpayments to the state for the Contract Services Program

From Federal Funds	30,000E
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Personal Service	
From Missouri National Guard Training Site Fund	19,397

Expense and Equipment	
From Missouri Youth Challenge Foundation Fund	656,077
From Missouri National Guard Trust Fund	<u>229,123</u>
Total (Not to exceed 324.80 F.T.E.)	\$20,588,675

SECTION 8.295.— To the Adjutant General

For the Office of Air Search and Rescue

Expense and Equipment	
From General Revenue Fund	\$12,770

SECTION 8.300.— To the Department of Public Safety

For the State Emergency Management Agency

For Administration and Emergency Operations

Personal Service	\$1,188,659
Expense and Equipment	<u>188,008</u>
From General Revenue Fund	1,376,667

Personal Service	1,555,318
Expense and Equipment	<u>890,326</u>
From Federal Funds	2,445,644

Personal Service	155,786
Expense and Equipment	<u>85,212</u>
From Chemical Emergency Preparedness Fund	240,998
Total (Not to exceed 71.00 F.T.E.)	\$4,063,309

SECTION 8.305.— To the Department of Public Safety

For the State Emergency Management Agency

For the Community Right-to-Know Act

From Chemical Emergency Preparedness Fund	\$650,000E
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For distribution of funds to local emergency planning commissions to
implement the federal Hazardous Materials Transportation Uniform
Safety Act of 1990

From Federal Funds	<u>346,890E</u>
Total	\$996,890

SECTION 8.310. — 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 Federal Funds	\$6,946,000E
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	1,068,724E
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	12,731,499E
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	<u>3,456,001E</u>
Total	\$24,202,224

Bill Totals	
General Revenue Fund	\$62,942,001
Federal Funds	117,793,049
Other Funds	<u>378,735,838</u>
Total	\$559,470,888

Approved June 22, 2012

HB 2009 [CCS SS SCS HCS HB 2009]

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

APPROPRIATIONS: 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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013, as follows:

SECTION 9.005. — To the Department of Corrections
 For the Office of the Director
 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 and not more than ten
 percent (10%) flexibility is allowed between divisions
 From General Revenue Fund \$4,392,195

For the purpose of funding Family Support Services
 From General Revenue Fund 284,093
 From Federal Funds 71,024
 Total (Not to exceed 106.00 F.T.E.) \$4,747,312

SECTION 9.007. — To the Department of Corrections
 For the Justice Reinvestment Program
 For per diem payments to counties (@ \$30/day)
 for housing state prisoners
 From General Revenue Fund \$100,000

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
 Expense and Equipment
 From Inmate Revolving Fund \$316,232

For a Kansas City Reentry Program
 From General Revenue Fund 178,000
 Total \$494,232

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 that 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 \$2,645,234
 Expense and Equipment 7,287,279
 From Federal and Other Funds 9,932,513

For the expenditures 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 Institution Gift Trust Fund 10,000
 Total (Not to exceed 52.00 F.T.E.) \$9,942,513

SECTION 9.020. — To the Department of Corrections

For the Office of the Director

For the purpose of funding 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 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 divisions

From General Revenue Fund	\$1,417,369
From Inmate Incarceration Reimbursement Act Revolving Fund	<u>750,000</u>
Total	\$2,167,369

SECTION 9.025. — To the Department of Corrections

For the Office of the Director

For the purpose of funding telecommunications department-wide provided that not more than ten percent (10%) flexibility is allowed between divisions

Expense and Equipment	
From General Revenue Fund	\$1,910,639

SECTION 9.030. — To the Department of Corrections

For the Office of the Director

For the purpose of funding restitution payments for those wrongly convicted

From General Revenue Fund	\$75,278
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SECTION 9.035. — To the Department of Corrections

For the Division of Human Services

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 and not more than ten percent (10%) flexibility is allowed between divisions

From General Revenue Fund	\$8,562,790
From Inmate Revolving Fund	<u>174,627</u>
Total (Not to exceed 241.60 F.T.E.)	\$8,737,417

SECTION 9.040. — To the Department of Corrections

For the Division of Human Services

For the purpose of funding general services provided that not more than ten percent (10%) flexibility is allowed between divisions

Expense and Equipment	
From General Revenue Fund	\$321,052

SECTION 9.045. — 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 that not more than ten percent (10%) flexibility is allowed between divisions

Expense and Equipment	
From General Revenue Fund	\$28,080,094

From Federal Funds	250,000
Total	\$28,330,094

SECTION 9.050.— To the Department of Corrections
For the Division of Human Services
For the purpose of funding training costs department-wide provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund

	\$914,702
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SECTION 9.055.— To the Department of Corrections
For the Division of Human Services
For the purpose of funding employee health and safety provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund

	\$581,933
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SECTION 9.060.— To the Department of Corrections
For the Division of Human Services
For the purpose of 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 that not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund

	\$5,990,099
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SECTION 9.065.— To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the expenses and small equipment purchased at any of the adult institutions department-wide provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund

	\$12,257,483
From Working Capital Revolving Fund	1,500,000
Total	\$13,757,483

SECTION 9.070.— To the Department of Corrections
For the Division of Adult Institutions
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 and not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund (Not to exceed 36.75 F.T.E.)

	\$1,630,429
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SECTION 9.075.— To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the inmate wage and discharge costs at all correctional facilities provided that not more than ten percent (10%) flexibility is allowed between divisions

Expense and Equipment
From General Revenue Fund \$3,279,897

SECTION 9.080.— To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Jefferson City Correctional Center
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 524.00 F.T.E.) \$16,800,354

SECTION 9.085.— To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Central Missouri Correctional Center
at Jefferson City
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 14.00 F.T.E.) \$546,310

SECTION 9.090.— To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Women's Eastern Reception, Diagnostic
and Correctional Center at Vandalia
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 424.00 F.T.E.) \$13,301,987

SECTION 9.095.— To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Ozark Correctional Center at Fordland
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund \$5,268,285
From Inmate Revolving Fund 266,508
Total (Not to exceed 165.00 F.T.E.) \$5,534,793

SECTION 9.100.— To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Moberly Correctional Center
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 371.00 F.T.E.) \$12,171,072

SECTION 9.105.— To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Algoa Correctional Center at Jefferson City
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 311.00 F.T.E.) \$10,007,635

SECTION 9.110.— To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Missouri Eastern Correctional Center at Pacific

Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 323.00 F.T.E.) \$10,364,989

SECTION 9.115. — To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Chillicothe Correctional Center
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund \$12,032,744
From Inmate Revolving Fund 28,362
Total (Not to exceed 452.02 F.T.E.) \$12,061,106

SECTION 9.120. — To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Boonville Correctional Center
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund \$9,181,736
From Inmate Revolving Fund 34,525
Total (Not to exceed 281.00 F.T.E.) \$9,216,261

SECTION 9.125. — To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Farmington Correctional Center
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 545.00 F.T.E.) \$17,762,383

SECTION 9.130. — To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Western Missouri Correctional Center at Cameron
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 477.00 F.T.E.) \$15,267,963

SECTION 9.135. — To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Potosi Correctional Center
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 324.00 F.T.E.) \$10,657,423

SECTION 9.140. — To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Fulton Reception and Diagnostic Center
Personal Service, provided that not more than ten percent (10%)
flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 404.66 F.T.E.) \$12,983,495

SECTION 9.145. — To the Department of Corrections
For the Division of Adult Institutions

For the purpose of funding the Tipton Correctional Center
 Personal Service, provided that not more than ten percent (10%)
 flexibility is allowed between institutions

From General Revenue Fund	\$9,748,362
From Inmate Revolving Fund	89,897
Total (Not to exceed 298.00 F.T.E.)	\$9,838,259

SECTION 9.150. — To the Department of Corrections
 For the Division of Adult Institutions
 For the purpose of funding the Western Reception, Diagnostic and
 Correctional Center at St. Joseph
 Personal Service, provided that not more than ten percent (10%)
 flexibility is allowed between institutions

From General Revenue Fund (Not to exceed 484.00 F.T.E.)	\$15,270,694
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SECTION 9.155. — To the Department of Corrections
 For the Division of Adult Institutions
 For the purpose of funding the Maryville Treatment Center
 Personal Service, provided that not more than ten percent (10%)
 flexibility is allowed between institutions

From General Revenue Fund (Not to exceed 172.00 F.T.E.)	\$5,688,137
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SECTION 9.160. — To the Department of Corrections
 For the Division of Adult Institutions
 For the purpose of funding the Crossroads Correctional Center at Cameron
 Personal Service, provided that not more than ten percent (10%)
 flexibility is allowed between institutions

From General Revenue Fund (Not to exceed 378.00 F.T.E.)	\$12,057,762
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SECTION 9.165. — To the Department of Corrections
 For the Division of Adult Institutions
 For the purpose of funding the Northeast Correctional Center at Bowling Green
 Personal Service, provided that not more than ten percent (10%)
 flexibility is allowed between institutions

From General Revenue Fund (Not to exceed 522.00 F.T.E.)	\$16,368,553
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SECTION 9.170. — To the Department of Corrections
 For the Division of Adult Institutions
 For the purpose of funding the Eastern Reception, Diagnostic and
 Correctional Center at Bonne Terre
 Personal Service, provided that not more than ten percent (10%)
 flexibility is allowed between institutions

From General Revenue Fund (Not to exceed 610.00 F.T.E.)	\$18,914,251
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SECTION 9.175. — To the Department of Corrections
 For the Division of Adult Institutions
 For the purpose of funding the South Central Correctional Center at Licking
 Personal Service, provided that not more than ten percent (10%)
 flexibility is allowed between institutions

From General Revenue Fund (Not to exceed 400.00 F.T.E.)	\$12,618,370
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SECTION 9.180. — To the Department of Corrections
 For the Division of Adult Institutions
 For the purpose of funding the Southeast Correctional Center at Charleston
 Personal Service, provided that not more than ten percent (10%)
 flexibility is allowed between institutions
 From General Revenue Fund (Not to exceed 399.00 F.T.E.) \$12,495,657

SECTION 9.185. — To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 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 and not more than ten
 percent (10%) flexibility is allowed between divisions
 From General Revenue Fund (Not to exceed 28.15 F.T.E.) \$1,412,123

SECTION 9.190. — To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For the purpose of funding contractual services for offender physical and
 mental health care provided that not more than ten percent (10%)
 flexibility is allowed between divisions
 From General Revenue Fund \$145,257,274

SECTION 9.195. — To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For the purpose of funding medical equipment provided that not more
 than ten percent (10%) flexibility is allowed between divisions
 Expense and Equipment
 From General Revenue Fund \$219,087

SECTION 9.200. — To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For the purpose of substance abuse services provided that not more than
 ten percent (10%) flexibility is allowed between divisions
 From General Revenue Fund \$9,405,567

 Expense and Equipment
 From Correctional Substance Abuse Earnings Fund 264,600
 Total (Not to exceed 112.00 F.T.E.) \$9,670,167

SECTION 9.205. — To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For the purpose of toxicology testing provided that not more than ten
 percent (10%) flexibility is allowed between divisions
 Expense and Equipment
 From General Revenue Fund \$519,438

SECTION 9.210. — To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For offender education
 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 and not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund (Not to exceed 249.00 F.T.E.) \$8,581,396

SECTION 9.215. — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For the purpose of funding Missouri Correctional Enterprises
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 \$8,278,853
Expense and Equipment 25,613,226
From Working Capital Revolving Fund (Not to exceed 222.00 F.T.E.) \$33,892,079

SECTION 9.220. — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For the purpose of funding the Private Sector/Prison Industry Enhancement Program
Expense and Equipment
From Working Capital Revolving Fund \$866,486

SECTION 9.225. — To the Department of Corrections
For the Board of Probation and Parole
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 and not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund \$66,443,930

Expense and Equipment
From Inmate Revolving Fund 7,703,605

For refunds set-off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund 750,000
Total (Not to exceed 1,751.81 F.T.E.) \$74,897,535

SECTION 9.230. — To the Department of Corrections
For the Board of Probation and Parole
For the purpose of funding the St. Louis Community Release Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund (Not to exceed 125.86 F.T.E.) \$4,188,864

SECTION 9.235. — To the Department of Corrections
For the Board of Probation and Parole
For the purpose of funding the Kansas City Community Release Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund \$2,425,089
From Inmate Revolving Fund 48,332
Total (Not to exceed 76.18 F.T.E.) \$2,473,421

SECTION 9.240. — To the Department of Corrections
 For the Board of Probation and Parole
 For the purpose of funding the Command 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 divisions
 Expense and Equipment
 From General Revenue Fund \$5,094

Personal Service
 From Inmate Revolving Fund 553,338
 Total (Not to exceed 14.40 F.T.E.) \$558,432

SECTION 9.245. — To the Department of Corrections
 For the Board of Probation and Parole
 For the purpose of funding Local Sentencing initiatives
 Expense and Equipment
 From General Revenue Fund \$2,000,000

From Inmate Revolving Fund 815,337
 Total \$2,815,337

SECTION 9.250. — To the Department of Corrections
 For the Board of Probation and Parole
 For the purpose of funding residential treatment facilities
 Expense and Equipment
 From Inmate Revolving Fund \$3,989,458

SECTION 9.255. — To the Department of Corrections
 For the Board of Probation and Parole
 For the purpose of funding electronic monitoring
 Expense and Equipment
 From Inmate Revolving Fund \$1,780,289

SECTION 9.260. — To the Department of Corrections
 For the Board of Probation and Parole
 For the purpose of funding community supervision centers
 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 and not more than ten
 percent (10%) flexibility is allowed between divisions
 From General Revenue Fund \$4,494,115
 From Inmate Revolving Fund 750,000
 Total (Not to exceed 144.42 F.T.E.) \$5,244,115

SECTION 9.265. — To the Department of Corrections
 For paying an amount in aid to the counties that is the net amount of costs
 in criminal cases, transportation of convicted criminals to the state
 penitentiaries, housing, and costs for reimbursement of the
 expenses associated with extradition, less the amount of unpaid
 city or county liability to furnish public defender office space and
 utility services pursuant to Section 600.040, RSMo

From General Revenue Fund \$38,060,616

Bill Totals

General Revenue Fund	\$602,496,808
Federal Funds	10,253,537
Other Funds	<u>54,583,675</u>
Total	\$667,334,020

Approved June 22, 2012

HB 2010 [CCS SS SCS HCS HB 2010]

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

APPROPRIATIONS: DEPARTMENT OF MENTAL HEALTH; DEPARTMENT OF HEALTH AND SENIOR SERVICES; AND MISSOURI HEALTH FACILITIES REVIEW COMMITTEE.

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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013, as follows:

SECTION 10.005.— To the Department of Mental Health

For the Office of the Director

Personal Service	\$473,968
Expense and Equipment	<u>9,734</u>
From General Revenue Fund	\$483,702

Personal Service	88,410
Expense and Equipment	<u>76,223</u>
From Federal Funds	<u>164,633</u>
Total (Not to exceed 8.09 F.T.E.)	\$648,335

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
From General Revenue Fund \$1,111,617

SECTION 10.015.— There is transferred out of the State Treasury from
Federal Funds to the OA Information Technology - Federal and
Other Fund for the purpose of funding the consolidation of
Information Technology Services
From Federal Funds \$500,000

SECTION 10.020.— To the Department of Mental Health
For the Office of the Director
For funding program operations and support
Personal Service \$4,664,515
Expense and Equipment 375,403
From General Revenue Fund 5,039,918

Personal Service 875,872
Expense and Equipment 849,348
From Federal Funds 1,725,220

For the Missouri Medicaid mental health partnership technology initiative
Personal Service 60,000
Expense and Equipment 614,811
From General Revenue Fund 674,811

Personal Service 10,192
Expense and Equipment 1,706,650
From Federal Funds 1,716,842
Total (Not to exceed 123.05 F.T.E.) \$9,156,791

SECTION 10.025.— To the Department of Mental Health
For the Office of the Director
For staff training
From General Revenue Fund \$357,495
From Federal Funds 503,354
From Mental Health Earnings Fund 100,000
Total \$960,849

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 \$49,217E

For the purpose of making refund payments
From Federal and Other Funds 1,000E

For the payment of refunds set off against debts as required by Section
143.786, RSMo
From Debt Offset Escrow Fund 70,000E

Total \$120,217

SECTION 10.035.— There is transferred out of the State Treasury from the
Abandoned Fund Account to Mental Health Trust Fund

From Abandoned Fund Account \$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 \$430,859

Expense and Equipment 1,205,349

From Mental Health Trust Fund (Not to exceed 7.50 F.T.E.) \$1,636,208

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 \$115,147

Expense and Equipment 2,500,000

From Federal Funds (Not to exceed 2.00 F.T.E.) \$2,615,147

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 \$1,752,696

Personal Service 33,975

Expense and Equipment 85,404

From Federal Funds (Not to exceed 1.00 F.T.E.) \$1,872,075

SECTION 10.055.— To the Department of Mental Health

For the Office of the Director

For housing assistance for homeless veterans

From General Revenue Fund \$255,000

From Federal Funds 715,000

For the purpose of funding Shelter Plus Care grants

From Federal Funds 10,943,496

Total \$11,913,496

SECTION 10.060.— To the Department of Mental Health

For Medicaid payments related to intergovernmental payments

From Federal Funds \$15,000,000

From Mental Health Intergovernmental Transfer Fund 8,000,000

Total \$23,000,000

SECTION 10.065.— There is hereby 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 \$170,000,000

SECTION 10.070.— There is transferred out of the State Treasury from
Federal Funds to the General Revenue Fund for the purpose of
supporting the Department of Mental Health
From Federal Funds \$25,084,862

SECTION 10.075.— There is transferred out of the State Treasury from
Federal Funds to the General Revenue Fund for the purpose of
providing the state match for the Department of Mental Health
payments
From Federal Funds \$90,858,921

SECTION 10.080.— There is transferred out of the State Treasury from
Federal Funds to the General Revenue Fund Disproportionate
Share Hospital (DSH) funds leveraged by the Department of
Mental Health Institute of Mental Disease (IMD) facilities
From Federal Funds \$50,000,000

SECTION 10.100.— To the Department of Mental Health
For the Division of Alcohol and Drug Abuse
For the purpose of funding the administration of statewide comprehensive
alcohol and drug abuse prevention and treatment programs
Personal Service \$865,040
Expense and Equipment 21,558
From General Revenue Fund 886,598

Personal Service 880,605
Expense and Equipment 180,565
From Federal Funds 1,061,170

Personal Service
From Health Initiatives Fund 45,933

Personal Service 129,470
Expense and Equipment 97,429

From Mental Health Earnings Fund 226,899
Total (Not to exceed 40.17 F.T.E.) \$2,220,600

SECTION 10.105.— To the Department of Mental Health
For the Division of Alcohol and Drug Abuse
For the purpose of funding prevention and education services
Personal Service
From General Revenue Fund \$25,973

For prevention and education services 3,315,184
Personal Service 181,879
Expense and Equipment 192,363

From Federal Funds	3,689,426
For prevention and education services	
Expense and Equipment	
From Healthy Families Trust Fund	300,000
For tobacco retailer education	
The Division of Alcohol and Drug Abuse shall be allowed to use persons	
under the age of eighteen for the purpose of tobacco retailer	
education in support of Synar requirements under the federal	
substance abuse prevention and treatment block grant	
Personal Service	19,440
Expense and Equipment	<u>103,622</u>
From Federal Funds	123,062
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	302,242
Expense and Equipment	<u>132,185</u>
From Federal Funds	434,427
For Community 2000 Team programs	
From General Revenue Fund	498,969
From Federal Funds	2,059,693
From Health Initiatives Fund	82,148
For school-based alcohol and drug abuse prevention programs	
From Federal Funds	<u>1,227,356</u>
Total (Not to exceed 10.09 F.T.E.)	<u>\$8,441,054</u>

SECTION 10.110.— To the Department of Mental Health

For the Division of Alcohol and Drug Abuse

For the purpose of funding the treatment of alcohol and drug abuse,
provided that services and/or provider rates shall be no less than
the FY 2012 level and further provided that the Department shall
request supplemental appropriation authority if needed to continue
serving individuals at the same FY 2012 level

Personal Service	\$509,678
For treatment of alcohol and drug abuse	<u>33,935,046</u>
From General Revenue Fund	34,444,724

For the purpose of funding a demonstration project in St. Louis focused on
providing a community day treatment model for non-violent, first-time
offenders for whom drug and/or alcohol abuse is the significant factor in
their crime. Such program shall be based on a similar model(s) and include
evidence-based intensive treatment for a duration of approximately six
months coupled with electronic monitoring. The project shall be awarded,
through a competitive bid, to a not-for-profit organization with experience
in delivering quality treatment services to individuals with substance abuse

issues in the corrections system. The program shall begin March 1, 2013 and shall serve approximately 100 individuals. The successful bidder shall provide regular reporting to the Department of Corrections as well as a six month report documenting the operation of the program as well as key strengths and weaknesses which lead to participants successfully completing the program without re-offending. The program shall also include a requirement that the bidder conduct follow-up on participants.	
From General Revenue Funds	264,876
For the purpose of funding youth services	
From Mental Health Interagency Payments Fund	30,000
For treatment of alcohol and drug abuse	49,621,185
Personal Service	794,342
Expense and Equipment	<u>3,036,012</u>
From Federal Funds	53,451,539
For treatment of drug and alcohol abuse with the Access to Recovery Grant	
For treatment services	3,789,796
Personal Service	158,427
Expense and Equipment	<u>693,550</u>
From Federal Funds	4,641,773
For treatment of alcohol and drug abuse	
From Inmate Revolving Fund	3,513,779
From Healthy Families Trust Fund	2,042,205
From Health Initiatives Fund	6,266,705
From DMH Local Tax Matching Fund	<u>624,865</u>
Total (Not to exceed 33.33 F.T.E.)	\$105,280,466
SECTION 10.115. — To the Department of Mental Health	
For the Division of Alcohol and Drug Abuse	
For the purpose of funding treatment of compulsive gambling	\$204,870
Personal Service	40,701
Expense and Equipment	<u>5,016</u>
From Compulsive Gamblers Fund (Not to exceed 1.00 F.T.E.)	\$250,587
SECTION 10.120. — To the Department of Mental Health	
For the Division of Alcohol and Drug Abuse	
For the purpose of funding the Substance Abuse Traffic Offender Program	
Personal Service	
From Federal Funds	\$20,797
Personal Service	193,909
Expense and Equipment	<u>40,771</u>
From Health Initiatives Fund	234,680
For the purpose of funding the Substance Abuse Traffic Offender Program	
From Federal Funds	407,458
From Mental Health Earnings Fund	<u>6,000,000</u>
Total (Not to exceed 5.48 F.T.E.)	\$6,662,935

SECTION 10.200. — To the Department of Mental Health	
For the Division of Comprehensive Psychiatric Services	
For the purpose of funding division administration	
Personal Service	\$708,685
Expense and Equipment	<u>43,759</u>
From General Revenue Fund	\$752,444
Personal Service	635,884
Expense and Equipment	<u>367,801</u>
From Federal Funds	1,003,685
For suicide prevention initiatives	
Personal Service	25,369
Expense and Equipment	<u>620,401</u>
From Federal Funds	645,770
Total (Not to exceed 27.42 F.T.E.)	<u>\$2,401,899</u>

SECTION 10.205. — To the Department of Mental Health	
For the Division of Comprehensive Psychiatric Services	
For the purpose of funding facility support and PRN nursing and direct care staff pool, provided that staff paid from the PRN nursing and direct care staff pool will only incur fringe benefit costs applicable to part-time employment	
From General Revenue Fund	\$3,378,830
For the purpose of funding costs for forensic clients resulting from loss of benefits under provisions of the Social Security Domestic Employment Reform Act of 1994	
From General Revenue Fund	845,252
To pay the state operated hospital provider tax	
From General Revenue Fund	12,000,000
For the purpose of funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses	
From Federal Funds	2,555,545
From Mental Health Earnings Fund	1,026,766
For those Voluntary by Guardian clients transitioning from CPS facilities to the community or to support those clients in facilities waiting to transition to the community	
From General Revenue Fund	<u>2,324,266</u>
Total (Not to exceed 79.40 F.T.E.)	<u>\$2,130,659</u>

SECTION 10.210.— To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding adult community programs, provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request

supplemental appropriation authority if needed to continue
serving individuals at the same FY 2012 level

Personal Service	\$27,181
Expense and Equipment	<u>319,506</u>
From General Revenue Fund	346,687

Personal Service	218,132
Expense and Equipment	<u>1,142,633</u>
From Federal Funds	1,360,765

For the purpose of funding adult community programs

From General Revenue Fund	90,962,541
From Federal Funds	146,678,053
From Mental Health Earnings Fund	583,740
From DMH Local Tax Matching Fund	412,538

For the provision of mental health services and support services to other agencies

From Mental Health Interagency Payments Fund	1,272,400
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For the purpose of funding programs for the homeless mentally ill

From General Revenue Fund	496,047
From Federal Funds	936,000

For inpatient redesign community alternatives

From General Revenue Fund	4,500,000
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For the purpose of funding the Missouri Eating Disorder Council
and its responsibilities under Section 630.575, RSMo

Expense and Equipment	
From General Revenue Fund	<u>78,850</u>
Total (Not to exceed 6.80 F.T.E.)	\$247,627,621

***SECTION 10.215.**— To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of reimbursing attorneys, physicians, and counties for fees in
involuntary civil commitment procedures \$738,366
For distribution through the Office of Administration to counties pursuant to
Section 56.700, RSMo 162,550
From General Revenue Fund \$900,916

*I hereby veto \$30,000 General Revenue Fund for Boone County Legal Fees. These funds are
unable to be expended because they do not qualify under Section 56.700, RSMo.

For distribution through the Office of Administration to counties pursuant to Section 56.700,
RSMo from \$162,550 to \$132,550 General Revenue Fund.
From \$900,916 to \$870,916 in total from General Revenue Fund.
From \$900,916 to \$870,916 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.220.— To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services

For the purpose of funding forensic support services	
Personal Service	\$733,579
Expense and Equipment	<u>22,765</u>
From General Revenue Fund	756,344
Personal Service	
From Federal Funds	<u>4,172</u>
Total (Not to exceed 20.39 F.T.E.)	\$760,516

SECTION 10.225.— To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding youth community programs, provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

Personal Service	\$110,970
Expense and Equipment	<u>60,817</u>
From General Revenue Fund	171,787
Personal Service	202,858
Expense and Equipment	<u>1,091,107</u>
From Federal Funds	1,293,965

For the purpose of funding youth community programs, provided that up to ten percent (10%) of this appropriation may be used for services for adults	
From General Revenue Fund	24,961,204
From Federal Funds	34,376,983
From DMH Local Tax Matching Fund	978,124

For the purpose of funding youth services	
From Mental Health Interagency Payments Fund	<u>4,000,000</u>
Total (Not to exceed 6.29 F.T.E.)	\$65,782,063

SECTION 10.230.— To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding services for children who are clients of the Department of Social Services
Expense and Equipment

From Mental Health Interagency Payments Fund	\$49,805
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SECTION 10.235.— To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purchase and administration of new medication therapies
Expense and Equipment

From General Revenue Fund	\$11,850,804
From Federal Funds	<u>916,243</u>
Total	\$12,767,047

SECTION 10.300.— To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services

For the purpose of funding Fulton State Hospital	
Personal Service and/or Expense and Equipment, 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 and Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services Program and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff	
From General Revenue Fund	\$39,127,486
Personal Service	911,539
Expense and Equipment	<u>1,223,390</u>
From Federal Funds	2,134,929
For the provision of support services to other agencies	
Expense and Equipment	
From Mental Health Interagency Payments Fund	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	
From General Revenue Fund	1,298,772
For the purpose of funding Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services Program	
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services Program and Fulton State Hospital and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff	
From General Revenue Fund	5,545,059
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	<u>60,941</u>
Total (Not to exceed 1,037.41 F.T.E.)	\$48,417,187

SECTION 10.305.— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Northwest Missouri Psychiatric Rehabilitation Center

Personal Service and/or Expense and Equipment, 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund \$11,804,794

Personal Service 588,467

Expense and Equipment 167,343

From Federal Funds 755,810

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 164,167

From Federal Funds 11,294

Total (Not to exceed 292.51 F.T.E.) \$12,736,065

SECTION 10.310.— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding St. Louis Psychiatric Rehabilitation Center

Personal Service and/or Expense and Equipment, 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund \$18,226,277

Personal Service 305,090

Expense and Equipment 93,450

From Federal Funds 398,540

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 284,315

From Federal Funds 935

Total (Not to exceed 471.14 F.T.E.) \$18,910,067

SECTION 10.315.— To the Department of Mental Health
 For the Division of Comprehensive Psychiatric Services
 For the purpose of funding Southwest Missouri Psychiatric Rehabilitation Center
 Personal Service and/or Expense and Equipment, 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund	\$2,748,258
From Federal Funds	179,201
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	15,197
Total (Not to exceed 72.07 F.T.E.)	\$2,942,656

SECTION 10.320.— To the Department of Mental Health
 For the Division of Comprehensive Psychiatric Services
 For the purpose of funding Metropolitan St. Louis Psychiatric Center
 Personal Service and/or Expense and Equipment, 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff.

From General Revenue Fund	\$8,261,875
From Federal Funds	295,971

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	16,861
From Federal Funds	1,148
Total (Not to exceed 178.50 F.T.E.)	\$8,575,855

SECTION 10.325.— To the Department of Mental Health
 For the Division of Comprehensive Psychiatric Services
 For the purpose of funding Southeast Missouri Mental Health Center
 Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten

percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center and Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund \$18,675,131
 From Federal Funds 452,709

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 161,860

For the purpose of funding Southeast Missouri Mental Health Center — Sexual Offender Rehabilitation and Treatment Services Program Personal Service and/or Expense and Equipment, 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund 15,644,474

Personal Service
 From Federal Funds 27,638

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 84,194
 Total (Not to exceed 850.65 F.T.E.) \$35,046,006

SECTION 10.330.— To the Department of Mental Health
 For the Division of Comprehensive Psychiatric Services
 For the purpose of funding Center for Behavioral Medicine
 Personal Service and/or Expense and Equipment, 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund	\$14,491,838
From Federal Funds	792,078

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	244,509
Total (Not to exceed 342.05 F.T.E.)	\$15,528,425

SECTION 10.335.— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Hawthorn Children's Psychiatric Hospital 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund	\$6,708,663
From Federal Funds	1,745,453

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	63,872
From Federal Funds	7,252
Total (Not to exceed 214.80 F.T.E.)	\$8,525,240

SECTION 10.340.— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Cottonwood Residential Treatment Center 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund	\$1,284,769
From Federal Funds	2,057,342

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	19,253
From Federal Funds	1,124

Total (Not to exceed 87.03 F.T.E.) \$3,362,488

SECTION 10.400.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding division administration

Personal Service	\$1,361,688
Expense and Equipment	<u>59,263</u>
From General Revenue Fund	1,420,951

Personal Service	308,001
Expense and Equipment	<u>60,881</u>

From Federal Funds

	<u>68,882</u>
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Total (Not to exceed 31.37 F.T.E.) \$1,789,833

SECTION 10.405.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding cost associated with the Division of
Developmental Disabilities to achieve personnel standards at
habilitation centers

From General Revenue Fund	\$840,892
From Federal Funds	4,500,673

To pay the state operated ICF/MR provider tax

From General Revenue Fund	<u>7,500,000</u>
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Total (Not to exceed 83.76 F.T.E.) \$12,841,565

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, provided that services
and/or provider rates shall be no less than the FY 2012 level and
further provided that the Department shall request supplemental
appropriation authority if needed to continue serving individuals
at the same FY 2012 level

For the purpose of funding community programs

From General Revenue Fund	\$176,747,546
From Federal Funds	363,679,596

For the purpose of funding community programs

Personal Service	568,906
Expense and Equipment	<u>32,128</u>
From General Revenue Fund	601,034

Personal Service	186,796
Expense and Equipment	<u>41,776</u>
From Federal Funds	228,572

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

From General Revenue Fund	18,370,060
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From Developmental Disabilities Waiting List Equity Trust Fund	10,000
For the purpose of funding programs for persons with autism and their families, provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level	
From General Revenue Fund	3,846,275
For the purpose of funding Regional Autism Projects, provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level	
From General Revenue Fund	6,524,901
For services for children who are clients of the Department of Social Services	
From Mental Health Interagency Payments Fund	8,500,000
For purposes of funding youth services	
From Mental Health Interagency Payments Fund	550,000
For Senate Bill 40 Board Tax Funds to be used as match for Medicaid initiatives for clients of the division	
From DMH Local Tax Matching Fund	22,500,000
Total (Not to exceed 14.55 F.T.E.)	\$601,557,984

SECTION 10.415.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding community support staff

Personal Service

From General Revenue Fund \$7,655,017

Personal Service 11,108,460

Expense and Equipment 685,150

From Federal Funds 11,793,610

Total (Not to exceed 421.92 F.T.E.) \$19,448,627

SECTION 10.420.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding developmental disabilities services

Personal Service \$378,756

Expense and Equipment 1,187,593

From Federal Funds (Not to exceed 7.98 F.T.E.) \$1,566,349

SECTION 10.425.— There is transferred out of the State Treasury from the

ICF/MR Reimbursement Allowance Fund to the General Revenue

Fund as a result of recovering the ICF/MR Reimbursement

Allowance Fund

From ICF/MR Reimbursement Allowance Fund \$2,800,000

There is transferred out of the State Treasury from the ICF/MR
 Reimbursement Allowance Fund to Federal Funds
 From ICF/MR Reimbursement Allowance Fund 4,742,365
 Total \$7,542,365

SECTION 10.500.— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Albany Regional Center
 Personal Service \$679,025
 Expense and Equipment 107,252
 From General Revenue Fund 786,277

Personal Service 15,678
 Expense and Equipment 2,336
 From Federal Funds 18,014
 Total (Not to exceed 18.80 F.T.E.) \$804,291

SECTION 10.505.— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Central Missouri Regional Center
 Personal Service \$836,672

Expense and Equipment 86,731
 From General Revenue Fund 923,403

Personal Service 48,753
 Expense and Equipment 1,478
 From Federal Funds 50,231
 Total (Not to exceed 27.45 F.T.E.) \$973,634

SECTION 10.510.— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Hannibal Regional Center
 Personal Service \$724,707
 Expense and Equipment 213,446
 From General Revenue Fund 938,153

Personal Service 62,502
 Expense and Equipment 1,478
 From Federal Funds 63,980
 Total (Not to exceed 20.73 F.T.E.) \$1,002,133

SECTION 10.515.— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Joplin Regional Center
 Personal Service \$647,885
 Expense and Equipment 166,887
 From General Revenue Fund 814,772

Expense and Equipment
 From Federal Funds 1,478
 Total (Not to exceed 15.67 F.T.E.) \$816,250

SECTION 10.520.— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Kansas City Regional Center

Personal Service	\$1,247,733
Expense and Equipment	<u>291,405</u>
From General Revenue Fund	1,539,138

Personal Service	83,208
Expense and Equipment	<u>1,478</u>
From Federal Funds	84,686
Total (Not to exceed 35.21 F.T.E.)	\$1,623,824

SECTION 10.525.— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Kirksville Regional Center

Personal Service	\$411,776
Expense and Equipment	<u>89,557</u>
From General Revenue Fund	501,333

Expense and Equipment	
From Federal Funds	<u>1,478</u>
Total (Not to exceed 10.00 F.T.E.)	\$502,811

SECTION 10.530.— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Poplar Bluff Regional Center

Personal Service	\$614,837
Expense and Equipment	<u>91,311</u>
From General Revenue Fund	706,148

Expense and Equipment	
From Federal Funds	<u>1,478</u>
Total (Not to exceed 16.47 F.T.E.)	\$707,626

SECTION 10.535.— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Rolla Regional Center

Personal Service	\$423,796
Expense and Equipment	<u>115,465</u>
From General Revenue Fund	539,261

Personal Service	129,943
Expense and Equipment	<u>1,478</u>
From Federal Funds	131,421
Total (Not to exceed 14.00 F.T.E.)	\$670,682

SECTION 10.540.— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Sikeston Regional Center

Personal Service	\$692,753
Expense and Equipment	<u>114,668</u>
From General Revenue Fund	807,421

Expense and Equipment	
From Federal Funds	1,478
Total (Not to exceed 18.33 F.T.E.)	<u>\$808,899</u>

SECTION 10.545.— To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Springfield Regional Center

Personal Service	\$927,216
Expense and Equipment	<u>232,279</u>
From General Revenue Fund	1,159,495

Expense and Equipment	
From Federal Funds	1,478
Total (Not to exceed 24.25 F.T.E.)	<u>\$1,160,973</u>

SECTION 10.550.— To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the St. Louis Regional Center

Personal Service	\$2,658,477
Expense and Equipment	<u>334,313</u>
From General Revenue Fund	2,992,790

Personal Service	94,166
Expense and Equipment	<u>1,478</u>
From Federal Funds	<u>95,644</u>
Total (Not to exceed 81.26 F.T.E.)	<u>\$3,088,434</u>

SECTION 10.555.— To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding Bellefontaine Habilitation Center
Personal Service and/or Expense and Equipment 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund	\$5,761,083
From Federal Funds	10,051,418

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	905,862
From Federal Funds	<u>38,899</u>
Total (Not to exceed 446.52 F.T.E.)	<u>\$16,757,262</u>

SECTION 10.560.— To the Department of Mental Health
For the Division of Developmental Disabilities

For the purpose of funding Higginsville Habilitation Center
 Personal Service and/or Expense and Equipment 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 for overtime, medical supplies,
 medical bills, pharmacy, or contract clinical staff and further
 provided that any flexibility be reported to House Budget
 Committee and Senate Appropriations staff

From General Revenue Fund	\$1,591,845
From Federal Funds	6,343,117

For Northwest Community Services
 Personal Service and/or Expense and Equipment, 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 for overtime, medical supplies,
 medical bills, pharmacy, or contract clinical staff and further
 provided that any flexibility be reported to House Budget
 Committee and Senate Appropriations staff

From General Revenue Fund	2,810,771
From Federal Funds	2,124,878

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	387,448
From Federal Funds	92,736
Total (Not to exceed 450.31 F.T.E.)	\$13,350,795

SECTION 10.565. — To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding Marshall Habilitation Center
 Personal Service and/or Expense and Equipment 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 for overtime, medical supplies,
 medical bills, pharmacy, or contract clinical staff and further
 provided that any flexibility be reported to House Budget
 Committee and Senate Appropriations staff

From General Revenue Fund	\$8,473,037
From Federal Funds	11,582,334

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	724,221
From Federal Funds	54,969
Total (Not to exceed 654.74 F.T.E.)	\$20,834,561

SECTION 10.570.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding Nevada Habilitation Center

Personal Service and/or Expense and Equipment 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund	\$2,164,729
From Federal Funds	6,274,017

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	9,138
Total (Not to exceed 286.26 F.T.E.)	\$8,447,884

SECTION 10.575.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding St. Louis Developmental Disabilities Treatment Center

Personal Service and/or Expense and Equipment 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 for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund	\$6,154,073
From Federal Funds	12,227,384
Total (Not to exceed 607.00 F.T.E.)	\$18,381,457

SECTION 10.580.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding Southeast Missouri Residential Services

Personal Service and/or Expense and Equipment 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 for overtime, medical supplies,

medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff	
From General Revenue Fund	\$1,807,528
From Federal Funds	3,808,908

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	185,797
From Federal Funds	83,858
Total (Not to exceed 197.89 F.T.E.)	\$5,886,091

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 and one hundred thousand dollars shall be expended to continue a program designed for aging in place through a non-profit community based agency

Personal Service	\$566,964
Expense and Equipment	124,224
From General Revenue Fund	691,188

Personal Service	1,485,706
Expense and Equipment	401,317
From Federal Funds	1,887,023
Total (Not to exceed 42.79 F.T.E.)	\$2,578,211

SECTION 10.602.— To the Department of Health and Senior Services
For the Office of Director

For the purpose of funding contracts for the Sexual Violence Victims Services, Awareness and Education Program

From Federal Funds	\$889,134
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SECTION 10.605.— To the Department of Health and Senior Services
For the Center for Health Equity

Personal Service	\$749,420
Expense and Equipment	293,570
From Federal Funds	1,042,990

Personal Service	94,028
Expense and Equipment	15,851
From Health Initiatives Fund	109,879

Personal Service	72,526
Expense and Equipment	16,900
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund	89,426

For the purpose of funding other Center for Health Equity programs and related expenses

From Federal Funds	978,866
Total (Not to exceed 19.20 F.T.E.)	<u>\$2,221,161</u>

SECTION 10.610.— To the Department of Health and Senior Services

For the Division of Administration

For the purpose of funding program operations and support

Personal Service	\$348,948
Expense and Equipment	<u>193,434</u>
From General Revenue Fund	542,382

Personal Service	2,343,904
Expense and Equipment	<u>2,589,779</u>
From Federal Funds	4,933,683

Personal Service	128,314
Expense and Equipment	<u>289,891</u>
From Missouri Public Health Services Fund	418,205

Expense and Equipment	
From Federal and Other Funds	<u>349,309</u>
Total (Not to exceed 70.73 F.T.E.)	<u>\$6,243,579</u>

SECTION 10.615.— There is transferred out of the State Treasury from the

Health Initiatives Fund to the Health Access Incentive Fund

From Health Initiatives Fund	\$759,624
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SECTION 10.620.— To the Department of Health and Senior Services

For the Division of Administration

For the purpose of funding the payment of refunds set off against debts in
accordance with Section 143.786, RSMo

From Debt Offset Escrow Fund	\$20,000
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SECTION 10.625.— To the Department of Health and Senior Services

For the Division of Administration

For the purpose of making refund payments

From General Revenue Fund	\$1E
From Federal and Other Funds	<u>44,736E</u>
Total	<u>\$44,737</u>

SECTION 10.630.— To the Department of Health and Senior Services

For the Division of Administration

For the purpose of receiving and expending grants, donations, contracts,
and payments from private, federal, and other governmental
agencies which may become available between sessions of the
General Assembly provided that the General Assembly shall be
notified of the source of any new funds and the purpose for which
they shall be expended, in writing, prior to the use of said funds

Personal Service	\$100,000
Expense and Equipment	<u>3,000,000</u>
From Federal Funds	3,100,000

Personal Service	100,958
Expense and Equipment	<u>349,530</u>
From Department of Health - Donated Fund	450,488
Total	<u>\$3,550,488</u>

SECTION 10.635.— To the Department of Health and Senior Services
For the Division of Administration

For contributions from federal and other sources that are deposited in the
State Treasury for use by the Department of Health and Senior
Services to furnish aid and relief pursuant to Section 192.326,
RSMo

From DHSS Disaster Fund	\$1E
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SECTION 10.640.— To the Department of Health and Senior Services
For the Division of Community and Public Health

For the purpose of funding program operations and support, provided that
the obligations are fulfilled for Newborn Screening Tests as required
under Section 191.331 and provided that the Electronic Death Certificate
System has the ability to file with, or obtain certified copies of death
certificates from, the local registrar as provided under subsection 2 of
section 193.265 until the Electronic Death Registration System can
provide the same level of service, including the ability to obtain
certified copies of death certificates immediately upon the submission
of the properly completed death certificate, as can currently be obtained
from the local registrar and fulfill all other obligations for the Electronic
Vital Records program as required under Section 193.265

Personal Service	
From General Revenue Fund	\$6,114,675

Personal Service	15,397,581
Expense and Equipment	<u>2,308,389</u>
From Federal Funds	17,705,970

Personal Service	963,810
Expense and Equipment	<u>568,973</u>
From Health Initiatives Fund	1,532,783

Personal Service	69,423
Expense and Equipment	<u>31,285</u>
From Environmental Radiation Monitoring Fund	100,708

Expense and Equipment	
From Governor's Council on Physical Fitness Institution Gift Trust Fund	47,500

Personal Service	200,245
Expense and Equipment	<u>66,883</u>
From Hazardous Waste Fund	267,128

Personal Service	108,924
Expense and Equipment	<u>81,887</u>
From Organ Donor Program Fund	190,811

Personal Service	331,432
Expense and Equipment	<u>111,370</u>
From Missouri Public Health Services Fund	442,802
Personal Service	356,038
Expense and Equipment	<u>145,370</u>
From Department of Health and Senior Services Document Services Fund	501,408
Personal Service	177,520
Expense and Equipment	<u>366,378</u>
From Department of Health - Donated Fund	543,898
Personal Service	75,134
Expense and Equipment	<u>27,748</u>
From Putative Father Registry Fund	102,882
Total (Not to exceed 545.63 F.T.E.)	<u>\$27,550,565</u>

SECTION 10.645.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding core public health functions and related expenses

From General Revenue Fund	\$2,229,940
From Missouri Public Health Services Fund	<u>4,000,000</u>
Total	<u>\$6,229,940</u>

SECTION 10.650.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding community health programs and related expenses,
provided that the obligations are fulfilled for Newborn Screening Tests
as required under Section 191.331 and provided that the Electronic
Death Certificate System has the ability to file with, or obtain
certified copies of death certificates from, the local registrar as
provided under subsection 2 of section 193.265 until the Electronic
Death Registration System can provide the same level of service,
including the ability to obtain certified copies of death certificates
immediately upon the submission of the properly completed death
certificate, as can currently be obtained from the local registrar and
fulfill all other obligations for the Electronic Vital Records program
as required under Section 193.265

From General Revenue Fund	\$8,472,075
From Federal Funds	52,773,491
From Organ Donor Program Fund	100,000
From C & M Smith Memorial Endowment Trust Fund	35,000
From Children's Special Health Care Needs Service Fund	30,000
From Missouri Lead Abatement Loan Fund	76,000
From Missouri Public Health Services Fund	1,394,750
From Head Injury Fund	<u>1,074,900</u>
Total	<u>\$63,956,216</u>

SECTION 10.655.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding supplemental nutrition programs

From Federal Funds	\$193,600,000
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SECTION 10.657.— To the Department of Health and Senior Services
For the purpose of funding the Primary Care Resource Initiative Program
(PRIMO), Financial Aid to Medical Students, and Loan
Repayment Programs

From Federal Funds	\$174,446
From Health Access Incentive Fund	650,000
From Department of Health Donated Fund	1,106,236
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund	499,752
For the purpose of funding the Missouri Area Health Education Centers program and its responsibilities under Section 191.980(4), RSMo	
From General Revenue Fund	<u>200,000</u>
Total	\$2,630,434

SECTION 10.658.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Office of Minority Health
For the purpose of funding program operations and support

Personal Service	\$187,975
Expense and Equipment	<u>206,109</u>
From General Revenue Fund	394,084
Personal Service	90,483
Expense and Equipment	<u>109,409</u>
From Federal Funds	<u>199,892</u>
Total (Not to exceed 6.73 F.T.E.)	\$593,976

SECTION 10.660.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Center for Emergency Response and Terrorism

Personal Service	\$3,188,267
Expense and Equipment and Program Distribution	<u>20,179,535</u>
From Federal Funds (Not to exceed 61.51 F.T.E.)	\$23,367,802

SECTION 10.665.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding the State Public Health Laboratory

Personal Service	\$1,505,446
Expense and Equipment	<u>435,704</u>
From General Revenue Fund	1,941,150
Personal Service	537,385
Expense and Equipment	<u>1,167,389</u>
From Federal Funds	1,704,774
Personal Service	1,336,624
Expense and Equipment	<u>4,075,666</u>
From Other Funds	<u>5,412,290</u>
Total (Not to exceed 92.52 F.T.E.)	\$9,058,214

SECTION 10.670.— To the Department of Health and Senior Services
For the Division of Senior and Disability Services

For the purpose of funding program operations and support	
Personal Service	\$7,224,078
Expense and Equipment	<u>496,927</u>
From General Revenue Fund	7,721,005
Personal Service	8,276,188
Expense and Equipment	<u>847,798</u>
From Federal Funds	<u>9,123,986</u>
Total (Not to exceed 395.59 F.T.E.)	\$16,844,991

SECTION 10.675.— To the Department of Health and Senior Services
For the Division of Senior and Disability Services

For the purpose of providing naturalization assistance to refugees and/or legal immigrants who: have resided in Missouri more than five years, are unable to benefit or attend classroom instruction, and who require special assistance to successfully attain the requirements to become a citizen. Services may include direct tutoring, assistance with identifying and completing appropriate waiver requests to the Immigration and Customs Enforcement agency, and facilitating proper documentation. The department shall award a contract under this section to a qualified not for profit organization which can demonstrate its ability to work with this population. A report shall be compiled for the general assembly evaluating the program's effectiveness in helping senior refugees and immigrants in establishing citizenship and their ability to qualify individuals for Medicare

From General Revenue Fund	\$200,000
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SECTION 10.680.— To the Department of Health and Senior Services
For the Division of Senior and Disability Services

For the purpose of funding non-Medicaid reimbursable senior and disability programs

From General Revenue Fund	\$1,642,518
From Federal Funds	<u>667,028</u>
Total	\$2,309,546

SECTION 10.685.— To the Department of Health and Senior Services
For the Division of Senior and Disability Services

For the purpose of funding respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, other related services and program management under the Medicaid fee-for-service and managed care programs. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs. This includes the Consumer Directed Medicaid State Plan. And further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by

19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute, provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	\$218,252,498
From Federal Funds	386,338,239

For the purpose of funding the Medicaid Home and Community-Based Services Program reassessments

From General Revenue Fund	1,500,000
From Federal Funds	1,500,000

For the purpose of funding the Medicaid Home and Community-Based Services Program Assessment Unit

Personal Service	1,206,510
Expense and Equipment	<u>262,660</u>
From General Revenue Fund	1,469,170

Personal Service	1,206,510
Expense and Equipment	<u>262,660</u>
From Federal Funds	1,469,170

For the purpose of funding the Medicaid Home and Community-Based Services Program Call Center

Personal Service	241,302
Expense and Equipment	<u>13,752</u>
From General Revenue Fund	255,054

Personal Service	241,302
Expense and Equipment	<u>13,752</u>
From Federal Funds	<u>255,054</u>
Total (Not to exceed 90.00 F.T.E.)	\$611,039,185

SECTION 10.700.— To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For the purpose of funding Alzheimer's grants

From General Revenue Fund	\$150,000
From Federal Funds	<u>367,000</u>
Total	\$517,000

SECTION 10.705.— To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For the purpose of funding Home and Community Services grants, including funding for meals to be distributed to each Area Agency on Aging in proportion to the actual number of meals served during the preceding fiscal year, provided that at least \$500,000 of general revenue be used for non-Medicaid meals to be distributed to each

Area Agency on Aging in proportion to the actual number of meals served during the preceding fiscal year	
From General Revenue Fund	\$10,447,813
From Federal Funds	35,000,000
From Elderly Home-Delivered Meals Trust Fund	<u>100,000</u>
Total	\$45,547,813

SECTION 10.720.— To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For the purpose of funding program operations and support

Personal Service	\$7,775,615
Expense and Equipment	<u>706,725</u>
From General Revenue Fund	8,482,340

Personal Service	11,227,608
Expense and Equipment	<u>1,083,024</u>
From Federal Funds	12,310,632

Personal Service	1,024,957
Expense and Equipment	<u>1,147,832</u>
From Nursing Facility Quality of Care Fund	2,172,789

Personal Service	73,554
Expense and Equipment	<u>10,970</u>
From Health Access Incentive Fund	84,524

Personal Service	62,563
Expense and Equipment	<u>13,110</u>
From Mammography Fund	75,673

Personal Service	210,749
Expense and Equipment	<u>57,197</u>
From Early Childhood Development, Education and Care Fund	267,946

For nursing home quality initiatives	
From Nursing Facility Federal Reimbursement Allowance Fund	<u>725,000</u>
Total (Not to exceed 460.96 F.T.E.)	\$24,118,904

SECTION 10.725.— To the Department of Health and Senior Services
For the Division of Regulation and Licensure

For the purpose of funding activities to improve the quality of childcare, increase the availability of early childhood development programs, before- and after-school care, in-home services for families with newborn children, and for general administration of the program	
From Federal Funds	\$461,675

SECTION 10.730.— To the Department of Health and Senior Services
For the Division of Regulation and Licensure

For the purpose of funding program operations and support for the Missouri Health Facilities Review Committee	
Personal Service	\$126,249
Expense and Equipment	<u>8,889</u>

From General Revenue Fund (Not to exceed 2.00 F.T.E.) \$135,138

Department of Mental Health Totals

General Revenue Fund	\$601,992,619
Federal Funds	736,276,639
Other Funds	<u>54,835,177</u>
Total	\$1,393,104,435

Department of Health and Senior Services Totals

General Revenue Fund	\$270,841,030
Federal Funds	749,850,856
Other Funds	<u>22,952,087</u>
Total	\$1,043,643,973

Approved June 21, 2012

HB 2011 [CCS SS SCS HCS HB 2011]

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

APPROPRIATIONS: 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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013 as follows:

SECTION 11.005.— To the Department of Social Services

For the Office of the Director

Personal Service	\$178,094
Expense and Equipment	<u>39,110</u>
From General Revenue Fund	217,204

Personal Service	8,533
Expense and Equipment	<u>1,429</u>
From Federal Funds	9,962

Personal Service	30,627
Expense and Equipment	<u>16,032</u>

From Child Support Enforcement Collections Fund	46,659
Total (Not to exceed 4.25 F.T.E.)	<u>\$273,825</u>

SECTION 11.010.— To the Department of Social Services

For the Office of the Director

For the purpose of receiving and expending grants, donations, contracts,
and payments from private, federal, and other governmental
agencies which may become available between sessions of the
General Assembly provided that the General Assembly shall be
notified of the source of any new funds and the purpose for which
they shall be expended, in writing, prior to the use of said funds

From Federal and Other Funds	\$10,033,999
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SECTION 11.015.— To the Department of Social Services

For the Office of the Director

For the Human Resources Center

Personal Service	\$290,479
Expense and Equipment	<u>12,452</u>
From General Revenue Fund	302,931

Personal Service	193,180
Expense and Equipment	<u>36,985</u>
From Federal Funds	<u>230,165</u>
Total (Not to exceed 11.52 F.T.E.)	\$533,096

SECTION 11.025.— To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit

Personal Service	\$1,185,070
Expense and Equipment	<u>503,160</u>
From General Revenue Fund	1,688,230

Personal Service	1,877,748
Expense and Equipment	<u>1,776,094</u>
From Federal and Other Funds	<u>3,653,842</u>
Total (Not to exceed 82.00 F.T.E.)	\$5,342,072

SECTION 11.030.— 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 system and a provider
enrollment system

From General Revenue Fund	\$316,250
From Federal Funds	<u>1,489,000</u>
Total	\$1,805,250

SECTION 11.035.— To the Department of Social Services

For the Office of the Director

For the purpose of funding recovery audit services

From Recovery Audit and Compliance Fund	\$500,000
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SECTION 11.040.— To the Department of Social Services
 For the Office of the Director
 For the purpose of funding Medicaid payment error prevention measures,
 including but not limited to provider education about MO
 HealthNet payment standards and practices, provided that such
 funding shall be contingent on the availability of funds in the
 Recovery Audit and Compliance Fund after the expenditure of
 monies from such fund pursuant to Sections 11.025 and 11.035
 From Recovery Audit and Compliance Fund \$5,000,000

SECTION 11.045.— To the Department of Social Services
 For the Division of Finance and Administrative Services
 Personal Service \$1,875,326
 Expense and Equipment 408,190
 From General Revenue Fund 2,283,516
 Personal Service 1,039,067
 Expense and Equipment 252,473
 From Federal Funds 1,291,540

 Personal Service 3,982
 Expense and Equipment 317
 From Department of Social Services Administrative Trust Fund 4,299

 Personal Service 48,592
 Expense and Equipment 12,513
 From Child Support Enforcement Collections Fund 61,105

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 1,500,000
 Total (Not to exceed 72.00 F.T.E.) \$5,140,460

SECTION 11.050.— 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 Federal Funds \$5,250,000

SECTION 11.055.— 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 Federal and Other Funds \$2,500,000E

SECTION 11.060.— To the Department of Social Services
 For the Division of Finance and Administrative Services
 For the purpose of funding payments to counties and the City of St. Louis
 toward the care and maintenance of each delinquent or dependent
 child as provided in Section 211.156, RSMo

From General Revenue Fund \$2,100,000

SECTION 11.065.— To the Department of Social Services

For the Division of Legal Services

Personal Service \$1,675,331
 Expense and Equipment 89,432
 From General Revenue Fund 1,764,763

Personal Service 3,025,599
 Expense and Equipment 665,910
 From Federal Funds 3,691,509

Personal Service 563,219
 Expense and Equipment 114,724
 From Third Party Liability Collections Fund 677,943

Personal Service
 From Child Support Enforcement Collections Fund 167,647
 Total (Not to exceed 125.97 F.T.E.) \$6,301,862

SECTION 11.070.— To the Department of Social Services

For the Family Support Division

Personal Service \$656,194
 Expense and Equipment 8,946
 From General Revenue Fund 665,140

Personal Service 4,917,519
 Expense and Equipment 13,975,643
 From Federal Funds 18,893,162

Personal Service 1,377,730
 Expense and Equipment 135,103
 From Child Support Enforcement Collections Fund 1,512,833
 Total (Not to exceed 166.95 F.T.E.) \$21,071,135

SECTION 11.075.— To the Department of Social Services

For the Family Support Division

For the income maintenance field staff and operations

Personal Service \$16,623,600
 Expense and Equipment 2,384,529
 From General Revenue Fund 19,008,129

Personal Service 58,420,844
 Expense and Equipment 5,573,795
 From Federal Funds 63,994,639

Personal Service 420,896
 Expense and Equipment 180,946
 From Child Support Enforcement Collections Fund 601,842

Personal Service 778,525
 Expense and Equipment 27,919

From Health Initiatives Fund	806,444
Total (Not to exceed 2,337.01 F.T.E.)	<u>\$84,411,054</u>

SECTION 11.080.— To the Department of Social Services

For the Family Support Division

For income maintenance and child support staff training

Expense and Equipment

From General Revenue Fund	\$145,950
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Expense and Equipment

From Federal Funds	<u>136,449</u>
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Total	<u>\$282,399</u>
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SECTION 11.085.— 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	\$3,010,503
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Expense and Equipment

From Federal Funds	<u>1,809,962</u>
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Total	<u>\$4,820,465</u>
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SECTION 11.090.— 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 Support and Children's Divisions Donations Fund	\$10,000
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SECTION 11.095.— To the Department of Social Services

For the Family Support Division

For the purpose of funding contractor, hardware, and other costs

associated with planning, development, and implementation of a

Family Assistance Management Information System (FAMIS)

Expense and Equipment

From General Revenue Fund	\$1,112,184
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Expense and Equipment

From Federal Funds	<u>3,222,371</u>
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Total	<u>\$4,334,555</u>
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SECTION 11.100.— To the Department of Social Services

For the Family Support Division

For the purpose of funding Community Partnerships

Personal Service

From General Revenue Fund	\$94,909
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For grants and contracts to Community Partnerships and other community initiatives and related expenses

From General Revenue Fund	523,800
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From Federal Funds	7,483,799
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For the Missouri Mentoring Partnership
 From General Revenue Fund 509,935
 From Federal Funds 785,000

For the purpose of funding a program for adolescent boys with the goal of
 preventing teen pregnancies
 From Federal Funds 195,840
 Total (Not to exceed 2.00 F.T.E.) \$9,593,283

SECTION 11.105.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding the Family Nutrition Education Program
 From Federal Funds \$9,294,560

SECTION 11.110.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding Temporary Assistance for Needy Families
 (TANF) benefits; transitional benefits; and for work support
 programs to help increase TANF work participation provided that
 total funding herein is sufficient to fund TANF benefits
 From General Revenue Fund \$8,458,297
 From Federal Funds 119,345,760
 Total \$127,804,057

SECTION 11.115.— 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 \$41,665

SECTION 11.120.— 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 \$25,178,384

SECTION 11.125.— 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 Blind Pension Fund \$33,964,470

SECTION 11.128.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding healthcare benefits for non-Medicaid eligible
 blind individuals who receive the Missouri Blind Pension cash
 grant, provided that individuals under this section shall pay the
 following premiums to be eligible to receive such services: zero
 percent on the amount of a family's income which is less than 150
 percent of the federal poverty level; four percent on the amount of
 a family's income which is less than 185 percent on the amount of

the federal poverty level but greater than 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income. Families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program.

From General Revenue Fund	\$5,000,000
From Blind Pension Healthcare Fund	18,045,720
From Blind Pension Premium Fund	3,632,576
From Pharmacy Reimbursement Allowance Fund	1,434,619
Total	\$28,112,915

SECTION 11.130.— To the Department of Social Services

For the Family Support Division

For the purpose of funding benefits and services as provided by the
Indochina Migration and Refugee Assistance Act of 1975 as
amended

From Federal Funds	\$3,808,853
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SECTION 11.135.— To the Department of Social Services

For the Family Support Division

For the purpose of funding community services programs provided by
Community Action Agencies, including programs to assist the
homeless, under the provisions of the Community Services Block
Grant

From Federal Funds	\$19,644,171
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SECTION 11.140.— To the Department of Social Services

For the Family Support Division

For the purpose of funding the Emergency Shelter Grant Program

From Federal Funds	\$1,880,000
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SECTION 11.145.— To the Department of Social Services

For the Family Support Division

For the purpose of funding the Surplus Food Distribution Program and the
receipt and disbursement of Donated Commodities Program
payments

From Federal Funds	\$1,500,000
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SECTION 11.150.— To the Department of Social Services

For the Family Support Division

For the purpose of funding the Low-Income Home Energy Assistance

Program	\$114,547,867
Personal Service	283,516

From Federal Funds (Not to exceed 6.50 F.T.E.)	\$114,831,383
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SECTION 11.155.— To the Department of Social Services

For the Family Support Division

For the purpose of funding services and programs to assist victims of domestic violence Expense and Equipment From General Revenue Fund	\$4,750,000
Expense and Equipment From Federal Funds	<u>1,787,653</u>
Total	<u>\$6,537,653</u>

SECTION 11.160.— To the Department of Social Services

For the Family Support Division For the purpose of funding administration of blind services Personal Service From General Revenue Fund	\$30,779
Personal Service	2,936,870
Expense and Equipment	<u>743,274</u>
From Federal Funds	3,680,144
Personal Service	945,371
Expense and Equipment	<u>176,514</u>
From Blind Pension Fund	<u>1,121,885</u>
Total (Not to exceed 111.07 F.T.E.)	<u>\$4,832,808</u>

SECTION 11.165.— To the Department of Social Services

For the Family Support Division For the purpose of funding services for the visually impaired From Federal Funds	\$6,372,075
From Blind Pension Fund	1,736,337
From Family Support and Children's Divisions Donations Fund	99,995
From Blindness Education, Screening and Treatment Program Fund	<u>349,000</u>
Total	<u>\$8,557,407</u>

SECTION 11.170.— To the Department of Social Services

For the Family Support Division For the purpose of supporting business enterprise programs for the blind From Federal Funds	\$30,000,000
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SECTION 11.175.— To the Department of Social Services

For the Family Support Division For the purpose of funding Child Support Enforcement field staff and operations Expense and Equipment From General Revenue Fund	\$2,695,652
Personal Service	18,519,105
Expense and Equipment	<u>5,710,063</u>
From Federal Funds	24,229,168
Personal Service	6,245,511
Expense and Equipment	<u>2,843,051</u>
From Child Support Enforcement Collections Fund	<u>9,088,562</u>
Total (Not to exceed 763.24 F.T.E.)	<u>\$36,013,382</u>

SECTION 11.180.— To the Department of Social Services
For the Family Support Division
For the purpose of funding reimbursement to counties and the City of St.
Louis and contractual agreements with local governments providing
child support enforcement services and for incentive payments to
local governments

From General Revenue Fund	\$1,957,744
From Federal Funds	14,886,582
From Child Support Enforcement Collections Fund	<u>1,263,424</u>
Total	\$18,107,750

SECTION 11.185.— To the Department of Social Services
For the Family Support Division
For the purpose of funding reimbursements to the federal government for
federal Temporary Assistance for Needy Families payments,
incentive payments to other states, refunds of bonds, refunds of
support payments or overpayments, and distributions to families

From Federal Funds	\$86,500,000E
From Debt Offset Escrow Fund	<u>9,000,000E</u>
Total	\$95,500,000

SECTION 11.190.— There is transferred out of the State Treasury from the
Debt Offset Escrow Fund to the Department of Social Services
Federal and Other Fund and/or the Child Support Enforcement
Collections Fund

From Debt Offset Escrow Fund	\$700,000E
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SECTION 11.195.— To the Department of Social Services
For the Children's Division

Personal Service	\$809,748
Expense and Equipment	<u>44,741</u>
From General Revenue Fund	854,489
Personal Service	3,197,583
Expense and Equipment	<u>2,674,579</u>
From Federal Funds	5,872,162
Personal Service	44,863
Expense and Equipment	<u>11,548</u>
From Early Childhood Development, Education and Care Fund	56,411
Expense and Equipment	
From Third Party Liability Collections Fund	<u>50,000</u>
Total (Not to exceed 99.50 F.T.E.)	\$6,833,062

SECTION 11.200.— To the Department of Social Services
For the Children's Division
For the Children's Division field staff and operations

Personal Service	\$27,879,706
Expense and Equipment	<u>2,498,337</u>
From General Revenue Fund	30,378,043

Personal Service	42,488,568
Expense and Equipment	<u>4,884,771</u>
From Federal Funds	47,373,339

Personal Service	69,422
Expense and Equipment	<u>27,846</u>
From Health Initiatives Fund	<u>97,268</u>
Total (Not to exceed 1,931.38 F.T.E.)	\$77,848,650

SECTION 11.205.— To the Department of Social Services

For the Children's Division

For Children's Division staff training

Expense and Equipment

From General Revenue Fund \$750,989

Expense and Equipment

From Federal Funds 384,041

Total \$1,135,030

SECTION 11.210.— To the Department of Social Services

For the Children's Division

For the purpose of funding children's treatment services including, but not

limited to, home-based services, day treatment services, preventive services, child care, family reunification services, or intensive in-home services provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund \$7,473,407

From Federal Funds 5,699,452

For the purpose of funding crisis care

From General Revenue Fund 2,050,000

Total \$15,222,859

SECTION 11.215.— To the Department of Social Services

For the Children's Division

For the purpose of funding grants to community-based programs to

strengthen the child welfare system locally to prevent child abuse and neglect and divert children from entering into the custody of the Children's Division

From General Revenue Fund \$1,190,000

SECTION 11.220.— 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 provided that services and/or provider rates shall be no less than the FY 2012

level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	\$67,520,949
From Federal Funds	41,110,249

For the purpose of funding a patient-centered, Internet-based health record system for foster children

From General Revenue Fund	90,000
From Federal Funds	810,000

For the purpose of funding placement costs in an outdoor learning residential licensed or accredited program located in south central Missouri related to the treatment of foster children

From General Revenue Fund	76,220
From Federal Funds	123,780

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 ..	<u>1,000</u>
Total	\$109,732,198

SECTION 11.225.— To the Department of Social Services

For the Children's Division

For the purpose of funding contractual payments for expenses related to training of foster parents

From General Revenue Fund	\$403,479
From Federal Funds	<u>172,920</u>
Total	\$576,399

SECTION 11.230.— To the Department of Social Services

For the Children's Division

For the purpose of funding costs associated with attending post-secondary education including, but not limited to tuition, books, fees, room, and board for current or former foster youth

From General Revenue Fund	\$188,848
From Federal Funds	<u>1,050,000</u>
Total	\$1,238,848

SECTION 11.235.— 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 services and/or provider rates shall be no less than the FY 2012 level and further provided that the

Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level	
From General Revenue Fund	\$14,529,210
From Federal Funds	<u>9,827,856</u>
Total	\$24,357,066

SECTION 11.240.— To the Department of Social Services

For the Children's Division

For the purpose of funding Adoption and Guardianship subsidy payments
and related services provided that services and/or provider rates
shall be no less than the FY 2012 level and further provided that the
Department shall request supplemental appropriation authority if
needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	\$56,136,990
From Federal Funds	<u>22,710,371</u>
Total	\$78,847,361

SECTION 11.245.— To the Department of Social Services

For the Children's Division

For the purpose of funding Adoption Resource Centers

From General Revenue Fund	\$100,000
From Federal Funds	<u>200,000</u>
Total	\$300,000

SECTION 11.250.— To the Department of Social Services

For the Children's Division

For the purpose of funding independent living placements and transitional
living services provided that services and/or provider rates shall be
no less than the FY 2012 level and further provided that the
Department shall request supplemental appropriation authority if
needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	\$1,690,790
From Federal Funds	<u>3,373,228</u>
Total	\$5,064,018

SECTION 11.255.— To the Department of Social Services

For the Children's Division

For the purpose of funding children's treatment services; alternative care
placement services; adoption subsidy services; independent living
services; and services provided through comprehensive, expedited
permanency systems of care for children and families

From General Revenue Fund	\$5,022,385
From Federal Funds	<u>6,773,261</u>
Total	\$11,795,646

SECTION 11.260.— To the Department of Social Services

For the Children's Division

For the purpose of funding Regional Child Assessment Centers

From General Revenue Fund	\$1,498,952
From Health Initiatives Fund	501,048
From Federal Funds	<u>800,000</u>
Total	\$2,800,000

SECTION 11.265.— 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 Federal Funds \$400,000

SECTION 11.270.— To the Department of Social Services
 For the Children's Division
 For the purpose of funding CASA IV-E allowable training costs
 From Federal Funds \$200,000

SECTION 11.275.— 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 Federal Funds \$188,316

SECTION 11.280.— 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 \$12,000,000E

SECTION 11.285.— To the Department of Social Services
 For the Children's Division
 For the purpose of funding child care services, the general administration
 of the programs, including development and implementation of
 automated systems to enhance time, attendance reporting, contract
 compliance and payment accuracy, and to support the Educare
 Program and provided that \$100,000 shall be used to fund the
 Hand-Up Pilot Program
 From General Revenue Fund \$66,943,245
 From Federal Funds 115,905,546
 From Early Childhood Development, Education and Care Fund 2,676,737

Personal Service
 From General Revenue Fund 15,204

Personal Service
 From Federal Funds 506,685

For the purpose of funding certificates to low-income, at-home families
 pursuant to Chapter 313, RSMo.
 From Early Childhood Development, Education and Care Fund 3,074,500
 Total \$189,121,917

SECTION 11.290.— To the Department of Social Services
 For the Division of Youth Services
 For the purpose of funding Central Office and Regional Offices
 Personal Service \$1,326,252
 Expense and Equipment 91,894
 From General Revenue Fund 1,418,146

Personal Service	555,724
Expense and Equipment	<u>116,072</u>
From Federal Funds	<u>671,796</u>

Expense and Equipment	
From Youth Services Treatment Fund	<u>999</u>
Total (Not to exceed 41.33 F.T.E.)	<u>\$2,090,941</u>

SECTION 11.295.— To the Department of Social Services

For the Division of Youth Services

For the purpose of funding treatment services, including foster care and contractual payments

Personal Service	\$15,962,299
Expense and Equipment	<u>2,548,643</u>
From General Revenue Fund	<u>18,510,942</u>

Personal Service	22,505,528
Expense and Equipment	<u>6,522,500</u>
From Federal Funds	<u>29,028,028</u>

Personal Service	3,097,370
Expense and Equipment	<u>3,852,302</u>
From DOSS Educational Improvement Fund	<u>6,949,672</u>

Personal Service	128,614
Expense and Equipment	<u>9,106</u>
From Health Initiatives Fund	<u>137,720</u>

Expense and Equipment	
From Youth Services Products Fund	5,000

For the purpose of paying overtime to nonexempt 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	<u>1,131,674</u>
Total (Not to exceed 1,237.88 F.T.E.)	<u>\$55,763,036</u>

SECTION 11.300.— To the Department of Social Services

For the Division of Youth Services

For the purpose of funding incentive payments to counties for community-based treatment programs for youth

From General Revenue Fund	\$3,579,486
From Gaming Commission Fund	<u>500,000</u>
Total	<u>\$4,079,486</u>

SECTION 11.400.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding administrative services

Personal Service	\$2,720,702
Expense and Equipment	<u>791,357</u>
From General Revenue Fund	<u>3,512,059</u>

Personal Service	4,996,743
Expense and Equipment	<u>3,368,557</u>
From Federal Funds	8,365,300
Personal Service	93,536
Expense and Equipment	<u>7,708</u>
From Federal Reimbursement Allowance Fund	101,244
Personal Service	25,500
Expense and Equipment	<u>356</u>
From Pharmacy Reimbursement Allowance Fund	25,856
Personal Service	309,329
Expense and Equipment	<u>31,385</u>
From Health Initiatives Fund	340,714
Personal Service	81,981
Expense and Equipment	<u>10,281</u>
From Nursing Facility Quality of Care Fund	92,262
Personal Service	379,370
Expense and Equipment	<u>491,996</u>
From Third Party Liability Collections Fund	871,366
Personal Service	742,092
Expense and Equipment	<u>55,553</u>
From Missouri Rx Plan Fund	797,645
Personal Service	17,541
Expense and Equipment	<u>3,466</u>
From Ambulance Service Reimbursement Allowance Fund	21,007
Total (Not to exceed 227.11 F.T.E.)	\$14,127,453

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

From General Revenue Fund	\$483,913
From Federal Funds	12,215,288
From Third Party Liability Collections Fund	924,911
From Missouri Rx Plan Fund	<u>4,160,819</u>
Total	\$17,784,931

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

From General Revenue Fund	\$546,125
From Federal Funds	<u>568,625</u>
Total	\$1,114,750

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

From Federal Funds	\$3,000,000
From Third Party Liability Collections Fund	<u>3,000,000</u>
Total	\$6,000,000

SECTION 11.420.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding the operation of the information systems

From General Revenue Fund	\$4,838,940
From Federal Funds	34,526,783
From Health Initiatives Fund	1,515,000
From Health Care Technology Fund	5,000

For the purpose of funding the modernization of the Medicaid Management

Information System (MMIS) and the operation of the information systems

From Federal Funds	<u>12,033,387</u>
Total	\$52,919,110

SECTION 11.425.— To the Department of Social Services

For the MO HealthNet Division

For Healthcare Technology Incentives and administration

From Federal Funds	\$100,000,000
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SECTION 11.430.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding pharmaceutical payments and program expenses
under the MO HealthNet and Missouri Rx Plan authorized by
Sections 208.780 through 208.798, RSMo and for Medicare Part D
Clawback payments and for administration of these programs. The
line item appropriations within this section may be used for any
other purpose for which line item funding is appropriated within
this sectionFor 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 including but
not limited to electronic medication therapy management mediated
interventions and for a comprehensive chronic care risk
management program provided that such services shall be
administered in accordance with Section 191.710, RSMo and
provided that services and/or provider rates shall be no less than the
FY 2012 level and further provided that the Department shall
request supplemental appropriation authority if needed to continue
serving individuals at the same FY 2012 level

From General Revenue Fund	\$67,188,791
From Federal Funds	580,702,050
From Life Sciences Research Trust Fund	25,556,250
From Pharmacy Rebates Fund	168,904,455
From Third Party Liability Collections Fund	5,252,468
From Pharmacy Reimbursement Allowance Fund	68,361,960

From Health Initiatives Fund	969,293
From Healthy Families Trust Fund	1,041,034
From Premium Fund	3,800,000

For the purpose of funding Medicare Part D Clawback payments and for funding MO HealthNet pharmacy payments as authorized by the provisions of Section 11.430

From General Revenue Fund	193,470,530
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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

From Missouri Rx Plan Fund	15,526,058
From Healthy Families Trust Fund	8,859,485
Total	\$1,139,632,374

SECTION 11.435.— 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	\$108,308,926
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SECTION 11.440.— There is transferred out of the State Treasury from the General Revenue Fund to the Pharmacy Reimbursement Allowance Fund

From General Revenue Fund	\$35,000,000
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SECTION 11.445.— There is transferred out of the State Treasury from 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	\$35,000,000
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SECTION 11.450.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, and family planning services under the MO HealthNet fee-for-service and managed care programs, and for administration of these programs, and for a comprehensive chronic care risk management program and Major Medical Prior Authorization provided that such services shall be administered in accordance with Section 191.710, RSMo and provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	\$203,716,460
From Federal Funds	405,021,427
From Third Party Liability Collections Fund	1,906,107
From Pharmacy Reimbursement Allowance Fund	10,000
From Health Initiatives Fund	1,427,081

From Healthy Families Trust Fund	6,041,034
Total	<u>\$618,122,109</u>

SECTION 11.455.— 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 provided that such services shall be administered in accordance with Section 191.710, RSMo and provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level. The MO HealthNet Division of the Department of Social Services may implement a state wide dental delivery system to ensure participation of, and, access to providers in all areas of the state. The MO HealthNet Division may administer the system or may seek a third party experienced in the administration of dental benefits to administer the program under the supervision of the Division

From General Revenue Fund	\$6,783,972
From Federal Funds	12,609,934
From Health Initiatives Fund	71,162
From Healthy Families Trust Fund	<u>848,773</u>
Total	\$20,313,841

SECTION 11.460.— 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 services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	\$66,023,871
From Federal Funds	<u>112,862,413</u>
Total	\$178,886,284

SECTION 11.465.— 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 services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	\$140,444,904
From Federal Funds	342,117,357
From Uncompensated Care Fund	58,516,478
From Nursing Facility Federal Reimbursement Allowance Fund	<u>9,134,756</u>

From Healthy Families Trust Fund	17,973
From Third Party Liability Collections Fund	2,592,981

For the purpose of funding home health for the elderly, or other long-term care services under the MO HealthNet fee-for-service and managed care programs provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	2,649,210
From Federal Funds	4,560,981
From Health Initiatives Fund	159,305

For the purpose of funding Program for All-Inclusive Care for the Elderly, or other long-term care services under the MO HealthNet fee-for-service and managed care programs provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	2,620,356
From Federal Funds	4,255,367
Total	\$567,069,668

SECTION 11.470.— There is transferred out of the State Treasury from the Long Term Support UPL Fund to the General Revenue Fund for the state share of enhanced federal earnings under the nursing facility upper payment limit

From Long Term Support UPL Fund	\$10,990,982
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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 Federal Funds	\$28,383,118
From Long Term Support UPL Fund	17,511,994
Total	\$45,895,112

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 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 such services shall be administered in accordance with Section 191.710, RSMo and provided that services and/or provider rates shall be no

less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	\$85,826,090
From Federal Funds	159,701,775
From Nursing Facility Federal Reimbursement Allowance Fund	1,414,043
From Health Initiatives Fund	194,881
From Healthy Families Trust Fund	831,745
From Ambulance Service Reimbursement Allowance Fund	10,141,830
For the purpose of funding non-emergency medical transportation	
From General Revenue Fund	11,579,111
From Federal Funds	18,804,283
For the purpose of funding the federal share of MO HealthNet reimbursable non-emergency medical transportation for public entities	
From Federal Funds	6,460,100
Total	\$294,953,858

SECTION 11.485.— There is transferred out of the State Treasury from the General Revenue Fund to the Ambulance Service Reimbursement Allowance Fund

From General Revenue Fund	\$9,069,225
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SECTION 11.490.— There is transferred out of the State Treasury from 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	\$9,069,225
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SECTION 11.495.— To the Department of Social Services For the MO HealthNet Division

For the purpose of funding the payment to comprehensive prepaid health care plans or for payments to providers of health care services for persons eligible for medical assistance under the MO HealthNet fee-for-service programs and for administration of these programs as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo provided that such services shall be administered in accordance with Section 191.710, RSMo and provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund	\$291,637,169
From Federal Funds	705,693,852
From MO HealthNet Managed Care Organization Reimbursement Allowance Fund	385,067
From Health Initiatives Fund	8,055,080

From Federal Reimbursement Allowance Fund	108,629,699
From Healthy Families Trust Fund	4,447,110
From Life Sciences Research Trust Fund	7,272,544
Total	\$1,126,120,521

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 and managed care programs, and for a comprehensive chronic care risk management program, and for administration of these programs provided that such services shall be administered in accordance with Section 191.710, RSMo and provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level. The MO HealthNet Division shall track payments to out-of-state hospitals by location

From General Revenue Fund	\$20,943,641
From Federal Funds	513,445,249
From Uncompensated Care Fund	33,848,436
From Federal Reimbursement Allowance Fund	188,702,995
From Health Initiatives Fund	9,171,007
From Third Party Liability Collections Fund	1,062,735

From Healthy Families Trust Fund	2,365,987
From Pharmacy Reimbursement Allowance Fund	15,709

For Safety Net Payments

From Healthy Families Trust Fund	30,365,444
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For Graduate Medical Education

From Healthy Families Trust Fund	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. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the MO HealthNet Division's Disease Management Program

From Federal Funds	200,000
From Federal Reimbursement Allowance Fund	200,000

For the purpose of continuing funding in Southwest Missouri and metropolitan Kansas City Regions of the pager project facilitating medication compliance for chronically ill MO HealthNet participants identified by the division as having high utilization of acute care because of poor management of their condition. The project shall be contingent upon adoption of an offsetting increase

in the applicable provider tax and administered by the MO HealthNet Division's Disease Management Program	
From Federal Funds	215,000
From Federal Reimbursement Allowance Fund	<u>215,000</u>
Total	\$810,751,203

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 Federal Funds	\$8,000,000
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SECTION 11.520.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding grants to Federally Qualified Health Centers

From General Revenue Fund	\$4,020,000
From Federal Funds	<u>10,800,000</u>
Total	\$14,820,000

SECTION 11.525.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding medical homes affiliated with public entities
and hospital owned medical homes

From Department of Social Services Intergovernmental Transfer Fund	\$600,000
From Federal Reimbursement Allowance Fund	100,000
From Federal Funds	<u>6,900,000</u>
Total	\$7,600,000

SECTION 11.530.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to hospitals under the Federal
Reimbursement Allowance Program including state costs to pay for
an independent audit of DSH payments as required by CMS and for
the expenses of the Poison Control Center in order to provide
services to all hospitals within the state

From Federal Reimbursement Allowance Fund	\$988,018,734E
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SECTION 11.535.— To the Department of Social Services
There is hereby 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	\$82,200,000
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SECTION 11.540.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to the Tier 1 Safety Net Hospitals and
other public hospitals using intergovernmental transfers

From Department of Social Services Intergovernmental Transfer Fund	\$70,348,801
From Federal Funds	<u>129,505,748</u>

Total \$199,854,549

SECTION 11.545.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding payments to the Department of Mental Health

From Department of Social Services Intergovernmental Transfer Fund \$90,858,921

From Federal Funds 147,553,359

Total \$238,412,280

SECTION 11.550.— To the Department of Social Services

For the MO HealthNet Division

For funding extended women's health services using fee-for-service, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level

From General Revenue Fund \$1,845,337

From Federal Funds 8,791,150

From Federal Reimbursement Allowance Fund 403,656

From Pharmacy Reimbursement Allowance Fund 49,034

Total \$11,089,177

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 such services shall be administered in accordance with Section 191.710, RSMo and provided that services and/or provider rates shall be no less than the FY 2012 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2012 level. Provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income. Families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program

From General Revenue Fund \$27,758,255

From Federal Funds 130,434,010

From Federal Reimbursement Allowance Fund	10,269,005
From Health Initiatives Fund	5,375,576
From Pharmacy Rebates Fund	225,430
From Pharmacy Reimbursement Allowance Fund	907,611
From Premium Fund	2,592,452
From Life Sciences Research Trust Fund	171,206
Total	<u>\$177,733,545</u>

SECTION 11.560.— There is transferred out of the State Treasury from the General Revenue Fund to the Federal Reimbursement Allowance Fund
From General Revenue Fund \$470,000,000

SECTION 11.565.— There is transferred out of the State Treasury from 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 \$470,000,000

SECTION 11.570.— There is transferred out of the State Treasury from the General Revenue Fund to the Nursing Facility Federal Reimbursement Allowance Fund
From General Revenue Fund \$132,000,000

SECTION 11.575.— There is transferred out of the State Treasury from the Nursing Facility Federal Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Nursing Facility Federal Reimbursement Allowance Fund
From Nursing Facility Federal Reimbursement Allowance Fund \$132,000,000

SECTION 11.580.— There is transferred out of the State Treasury from the Nursing Facility Federal Reimbursement Allowance Fund to the Nursing Facility Quality of Care Fund
From Nursing Facility Federal Reimbursement Allowance Fund \$1,500,000

SECTION 11.585.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding Nursing Facility Federal Reimbursement Allowance payments as provided by law
From Nursing Facility Federal Reimbursement Allowance Fund \$301,027,717

SECTION 11.590.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding MO HealthNet services for the Department of Elementary and Secondary Education under the MO HealthNet fee-for-service and managed care programs
From General Revenue Fund \$69,954
From Federal Funds 54,653,770
Total \$54,723,724

SECTION 11.600.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of supplementing appropriations for any medical service and expense under the MO HealthNet fee-for-service, managed care

From Federal Funds	\$24,107,486
From Premium Fund	3,837,940
From Third Party Liability Collections Fund	7,571,156
From Nursing Facility Federal Reimbursement Allowance Fund	181,500
Total	<u>\$35,698,082</u>

Bill Totals

General Revenue Funds	\$1,499,368,101
Federal Funds	4,291,533,147
Other Funds	<u>2,433,857,166</u>
Total	<u>\$8,224,758,414</u>

Approved June 22, 2012

HB 2012 [CCS SS SCS HCS HB 2012]

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

APPROPRIATIONS: CHIEF EXECUTIVE'S OFFICE AND MANSION; LIEUTENANT GOVERNOR; SECRETARY OF STATE; STATE AUDITOR; STATE TREASURER; ATTORNEY GENERAL; MISSOURI PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS RETIREMENT SYSTEM; JUDICIARY; OFFICE OF THE STATE PUBLIC DEFENDER; GENERAL ASSEMBLY; COMMITTEE ON LEGISLATIVE RESEARCH; VARIOUS JOINT COMMITTEES; AND INTERIM COMMITTEES.

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2012 and ending June 30, 2013.

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, 2012 and ending June 30, 2013 as follows:

SECTION 12.005.— To the Governor

Personal Service and/or Expense and Equipment	\$2,089,950
Personal Service and/or Expense and Equipment for the Mansion	<u>97,956</u>

From General Revenue Fund (Not to exceed 30.00 F.T.E.) \$2,187,906

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 \$4,000,001E

SECTION 12.015.— To the Governor

For conducting special audits

From General Revenue Fund \$30,000

SECTION 12.020.— To the Governmental Emergency Fund Committee

For allocation by the committee to state agencies that qualify for
emergency or supplemental funds under the provisions of Section
33.720, RSMo

From General Revenue Fund \$1

SECTION 12.025.— To the Lieutenant Governor

Personal Service and/or Expense and Equipment

From General Revenue Fund (Not to exceed 8.50 F.T.E.) \$412,565

SECTION 12.035.— To the Secretary of State

Personal Service and/or Expense and Equipment

From General Revenue Fund \$9,174,538

From Federal and Other Funds 867,406

From Secretary of State's Technology Trust Fund Account 3,497,514

From Local Records Preservation Fund 1,582,065

From Secretary of State Wolfner State Library Fund 14,501

From Investor Education and Protection Fund 1,206,445

From Election Administration Improvements Fund 267,325

From National Endowment for the Humanities Save America's
Treasures Grant 157,949

Total (Not to exceed 280.30 F.T.E.) \$16,767,743

SECTION 12.040.— To the Secretary of State

For the purpose of receiving and expending grants, donations, contracts,
and payments from private, federal, or other governmental
agencies provided that the General Assembly shall be notified of
the source of any new funds and the purpose for which they will be
expended, in writing, prior to the expenditure of said funds

From Federal and Other Funds \$200,000

SECTION 12.045.— To the Secretary of State

For refunds of securities, corporations, uniform commercial code, and
miscellaneous collections of the Secretary of State's Office

From General Revenue Fund \$50,000E

SECTION 12.050.— To the Secretary of State

For reimbursement to victims of securities fraud and other violations
pursuant to Section 409.407, RSMo

From Investors Restitution Fund \$55,000E

SECTION 12.055. — To the Secretary of State For expenses of initiative referendum and constitutional amendments From General Revenue Fund	\$1,300,000E
SECTION 12.060. — To the Secretary of State For election costs associated with absentee ballots From General Revenue Fund	\$80,000E
SECTION 12.065. — To the Secretary of State For election reform grants, transactions costs, election administration improvements within Missouri, and support of Help America Vote Act activities From Federal and Other Funds	\$9,362,680
SECTION 12.070. — There is transferred out of the State Treasury, chargeable to the General Revenue Fund such amounts as may become necessary, to the State Elections Subsidy Fund From General Revenue Fund	\$4,284,000
SECTION 12.075. — To the Secretary of State For the state's share of special election costs as required by Chapter 115, RSMo From State Elections Subsidy Fund	\$400,000E
SECTION 12.080. — There is transferred out of the State Treasury, chargeable to the State Elections Subsidy Fund, to the Election Administration Improvements Fund From State Elections Subsidy Fund	\$3,784,000
SECTION 12.085. — To the Secretary of State For historical repository grants From Federal Funds	\$15,000E
SECTION 12.090. — To the Secretary of State For local records preservation grants From Local Records Preservation Fund	\$400,000
SECTION 12.095. — To the Secretary of State For preserving legal, historical, and genealogical materials and making them available to the public From State Document Preservation Fund	\$25,000
For costs related to establishing and operating a St. Louis Record Center From Missouri State Archives - St. Louis Trust Fund	<u>1</u>
Total	\$25,001
SECTION 12.100. — To the Secretary of State For aid to public libraries From General Revenue Fund	\$3,504,001
SECTION 12.105. — To the Secretary of State For the Remote Electronic Access for Libraries (REAL) Program	

From General Revenue Fund \$3,109,250

SECTION 12.110.— To the Secretary of State
For the Literacy Investment for Tomorrow (LIFT) Program

From General Revenue Fund \$69,450

SECTION 12.115.— 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 Federal Funds \$2,750,000E

SECTION 12.120.— To the Secretary of State
For library networking grants and other grants and donations

From Library Networking Fund \$1,600,000

SECTION 12.125.— To the Secretary of State
There is transferred out of the State Treasury, chargeable to the General
Revenue Fund, to the Library Networking Fund

From General Revenue Fund \$100,000

SECTION 12.145.— To the State Auditor
Personal Service and/or Expense and Equipment

From General Revenue Fund \$6,440,627

From Federal Funds 887,090

From Conservation Commission Fund 46,476

From Parks Sales Tax Fund 21,908

From Soil and Water Sales Tax Fund 21,125

From Petition Audit Revolving Trust Fund 858,341

Total (Not to exceed 168.77 F.T.E.) \$8,275,567

SECTION 12.150.— To the State Treasurer
Personal Service and/or Expense and Equipment

From State Treasurer's General Operations Fund \$1,846,596

From Central Check Mailing Service Revolving Fund 248,418

For Unclaimed Property Division administrative costs including personal
service, expense and equipment for auctions, advertising, and
promotions

From Abandoned Fund Account 849,356E

For preparation and dissemination of information or publications, or for
refunding overpayments

From Treasurer's Information Fund 8,000

Total (Not to exceed 49.40 F.T.E.) \$2,952,370

SECTION 12.155.— To the State Treasurer
For issuing duplicate checks or drafts and outlawed checks as provided by
law

From General Revenue Fund \$1,000,000E

SECTION 12.160. — To the State Treasurer	
For payment of claims for abandoned property transferred by holders to the state	
From Abandoned Fund Account	\$22,500,000E
 SECTION 12.165. — To the State Treasurer	
For transfer of such sums as may be necessary to make payment of claims from the Abandoned Fund Account pursuant to Chapter 447, RSMo	
From General Revenue Fund	\$1E
 SECTION 12.170. — To the State Treasurer	
There is transferred out of the State Treasury, chargeable to the Abandoned Fund Account, to the General Revenue Fund	
From Abandoned Fund Account	\$30,000,000E
 SECTION 12.175. — To the State Treasurer	
For refunds of excess interest from the Linked Deposit Program	
From General Revenue Fund	\$100E
 SECTION 12.180. — To the State Treasurer	
There is transferred out of the State Treasury, chargeable to the Debt Offset Escrow Fund, to the General Revenue Fund	
From Debt Offset Escrow Fund	\$100,000
 SECTION 12.185. — To the State Treasurer	
There is transferred out of the State Treasury, chargeable to various funds, to the General Revenue Fund	
From Various Funds	\$1E
 SECTION 12.190. — To the State Treasurer	
There is transferred out of the State Treasury, chargeable to the Abandoned Fund Account, to the State Public School Fund	
From Abandoned Fund Account	\$1,500,000E
 SECTION 12.195. — To the Attorney General	
Personal Service and/or Expense and Equipment	
From General Revenue Fund	\$13,015,362
From Federal Funds	2,590,483
From Gaming Commission Fund	140,744
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount	42,029
From Solid Waste Management Fund	42,529
From Petroleum Storage Tank Insurance Fund	25,589
From Motor Vehicle Commission Fund	49,853
From Health Spa Regulatory Fund	5,000
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount	42,003
From Attorney General's Court Costs Fund	187,000
From Soil and Water Sales Tax Fund	14,698
From Merchandising Practices Revolving Fund	2,579,330
From Workers' Compensation Fund	472,114

From Workers' Compensation - Second Injury Fund	3,054,616
From Lottery Enterprise Fund	55,855
From Attorney General's Anti-Trust Fund	631,320
From Hazardous Waste Fund	302,537
From Safe Drinking Water Fund	14,723
From Inmate Incarceration Reimbursement Act Revolving Fund	139,347
From Mined Land Reclamation Fund	14,693
Total (Not to exceed 411.05 F.T.E.)	<u>\$23,419,825</u>

SECTION 12.200.— To the Attorney General
For law enforcement, domestic violence, and victims' services
Expense and Equipment

From Federal Funds	\$100,000
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SECTION 12.205.— To the Attorney General
For a Medicaid fraud unit
Personal Service and/or Expense and Equipment

From General Revenue Fund	\$563,888
From Federal Funds	<u>1,697,872</u>
Total (Not to exceed 28.00 F.T.E.)	<u>\$2,261,760</u>

SECTION 12.210.— To the Attorney General
For the Missouri Office of Prosecution Services
Personal Service and/or Expense and Equipment

From General Revenue Fund	\$107,900
From Federal Funds	1,067,997
From Missouri Office of Prosecution Services Fund	2,026,878
From Missouri Office of Prosecution Services Revolving Fund	<u>150,000</u>
Total (Not to exceed 10.00 F.T.E.)	<u>\$3,352,775</u>

SECTION 12.215.— To the Attorney General
For the Missouri Office of Prosecution Services
There is transferred out of the State Treasury, chargeable to the Attorney
General Federal Fund, to the Missouri Office of Prosecution
Services Fund

From Federal Funds	\$100,000
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SECTION 12.220.— To the Attorney General
For the fulfillment or failure of conditions, or other such developments,
necessary to determine the appropriate disposition of such funds,
to those individuals, entities, or accounts within the State Treasury,
certified by the Attorney General as being entitled to receive them
Expense and Equipment

From Attorney General Trust Fund	\$1E
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SECTION 12.225.— To the Attorney General
There is transferred out of the State Treasury, chargeable to the General
Revenue Fund, to the Attorney General's Court Costs Fund

From General Revenue Fund	\$165,600
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SECTION 12.230.— To the Attorney General

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Attorney General's Anti-Trust Fund

From General Revenue Fund \$69,000

SECTION 12.300.— To the Supreme Court

For the purpose of funding Judicial Proceedings and Review and expenses of the members of the Appellate Judicial Commission and the several circuit judicial commissions in circuits having the non-partisan court plan, and for services rendered by clerks of the Supreme Court, courts of appeals, and clerks in circuits having the non-partisan court plan for giving notice of and conducting elections as ordered by the Supreme Court

Personal Service and/or Expense and Equipment, provided that not more than fifty percent (50%) flexibility is allowed between

personal service and expense and equipment and not more than

twenty-five percent (25%) flexibility is allowed between sections \$4,736,155

Annual salary adjustment in accordance with Section 476.405, RSMo. 78,023

From General Revenue Fund 4,814,178

From Federal Funds 490,973

From Supreme Court Publications Revolving Fund 150,000

From Basic Civil Legal Services Fund 5,062,919E

Total (Not to exceed 83.00 F.T.E.) \$10,518,070

SECTION 12.305.— To the Supreme Court

For the purpose of funding the State Courts Administrator, implementing and supporting an integrated case management system, grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Supreme Court and other state courts, developing and implementing a program of statewide court automation, judicial education and training, and the Missouri Sentencing and Advisory Commission

Personal Service and/or Expense and Equipment, provided that not more than fifty percent (50%) flexibility is allowed between

personal service and expense and equipment and not more than

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

From General Revenue Fund \$7,362,275

From Federal Funds 8,158,314E

From Basic Civil Legal Services Fund 31,835

From State Court Administration Revolving Fund 30,000

From Statewide Court Automation Fund 4,473,823E

From Judiciary Education and Training Fund 1,402,909

From Crime Victims' Compensation Fund 887,200

Total (Not to exceed 229.25 F.T.E.) \$22,346,356

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 1,345,363

SECTION 12.330.— To the Supreme Court

For the purpose of funding the Courts of Appeals

Personal Service and/or Expense and Equipment, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment and not more than twenty-five percent (25%) flexibility is allowed between sections	\$10,974,797
Annual salary adjustment in accordance with Section 476.405, RSMo.	<u>207,296</u>
From General Revenue Fund (Not to exceed 158.85 F.T.E.)	\$11,182,093

SECTION 12.345.— To the Supreme Court

For the purpose of funding the Circuit Courts, the court-appointed special advocacy program statewide office and programs provided in Section 476.777, RSMo, costs associated with creating the handbook and other programs as provided in section 452.554, RSMo, making payments due from litigants in court proceedings under set-off against debts authority as provided in Section 488.020(3), RSMo, payments to counties for salaries of juvenile court personnel as provided by Sections 211.393 and 211.394, RSMo, and the Commission on Retirement, Removal, and Discipline of Judges

Personal Service and/or Expense and Equipment, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment and not more than twenty-five percent (25%) flexibility is allowed between sections	\$136,155,232
Annual salary adjustment in accordance with Section 476.405, RSMo.	<u>3,230,171</u>
From General Revenue Fund	\$139,385,403
From Federal Funds	1,900,474
From Third Party Liability Collections Fund	385,402
From State Court Administration Revolving Fund	200,000
From Missouri CASA Fund	100,000E
From Domestic Relations Resolution Fund	300,000E
From Circuit Courts Escrow Fund	<u>2,005,500E</u>
Total (Not to exceed 2,930.95 F.T.E.)	\$144,276,779

SECTION 12.350.— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Drug Court Resources Fund

From General Revenue Fund	\$6,725,000
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SECTION 12.355.— To the Supreme Court

For the purpose of funding drug courts

Personal Service and/or Expense and Equipment, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment and not more than twenty-five percent (25%) flexibility is allowed between sections	
From Drug Court Resources Fund (Not to exceed 4.00 F.T.E)	\$6,921,066E

SECTION 12.400.— To the Office of the State Public Defender

For the purpose of funding the State Public Defender System

Personal Service and/or Expense and Equipment	\$32,600,474
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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	3,721,071
From General Revenue Fund	<u>36,321,545</u>

For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo	
Personal Service	130,196
Expense and Equipment	<u>2,850,756</u>
From Legal Defense and Defender Fund	2,980,952

For refunds set-off against debts as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund	350,000E

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 Federal Funds	<u>125,000</u>
Total (Not to exceed 587.13 F.T.E.)	\$39,777,497

SECTION 12.500.— To the Senate

Salaries of Members	\$1,226,610
Mileage of Members	87,406
Members' Per Diem	226,100
Senate Contingent Expenses	8,915,033
Joint Contingent Expenses	<u>125,000</u>
From General Revenue Fund	10,580,149

Senate Contingent Expenses	
From Senate Revolving Fund	<u>40,000</u>
Total (Not to exceed 211.00 F.T.E.)	\$10,620,149

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	1,369,568
House Contingent Expenses	<u>10,811,854</u>
From General Revenue Fund	19,729,018
House Contingent Expenses	
From House of Representatives Revolving Fund	<u>45,000</u>
Total (Not to exceed 425.84 F.T.E.)	\$19,774,018

SECTION 12.510.— 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	\$1,434,421
For the Oversight Division	<u>696,480</u>
From General Revenue Fund (Not to exceed 42.08 F.T.E.)	\$2,130,901

SECTION 12.515.— 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 (Not to exceed 1.25 F.T.E.) 207,509

SECTION 12.520.— To the Interim Committees of the General Assembly
 For the Joint Committee on Education \$73,825
 For the Joint Committee on Administrative Rules 123,717
 For the Joint Committee on Public Employee Retirement 163,568
 From General Revenue Fund (Not to exceed 6.00 F.T.E.) \$361,110

Elected Officials Totals
 General Revenue Fund \$49,614,090
 Federal Funds 19,963,802
 Other Funds 42,540,285
 Total \$112,118,177

Judiciary Totals
 General Revenue Fund \$170,814,312
 Federal Funds 10,549,761
 Other Funds 13,626,679
 Total \$194,990,752

Public Defender Commission Totals
 General Revenue Fund \$36,321,545
 Federal Funds 125,000
 Other Funds 2,980,952
 Total \$39,427,497

General Assembly Totals
 General Revenue Fund \$32,801,178
 Other Funds 292,509
 Total \$33,093,687

Approved June 22, 2012

HB 2013 [CCS SS SCS HCS HB 2013]

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

APPROPRIATIONS: LEASES AND CAPITAL IMPROVEMENTS.

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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be

expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2012 and ending June 30, 2013 as follows:

SECTION 13.005. — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For the payment of real property leases, utilities, systems furniture, structural modifications, and provided that not more than five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between departments within this section	
For the Department of Elementary and Secondary Education	
Expense and Equipment	
From General Revenue Fund	\$377,689
From Federal Funds and Other Funds	1,924,498
For the Department of Revenue	
Expense and Equipment	
From General Revenue Fund	636,916
From Other Funds	2,114
For the Department of Revenue	
For the State Lottery Commission	
Expense and Equipment	
From Other Funds	344,003
For the Office of Administration	
Expense and Equipment	
From General Revenue Fund	282,734
From Other Funds	420,893
For the Ethics Commission	
Expense and Equipment	
From General Revenue Fund	98,324
For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund	157,195
From Other Funds	84,258
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund	295,537
From Federal Funds and Other Funds	1,408,835

For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund	30,898
From Federal Funds and Other Funds	2,553,064
For the Department of Insurance, Financial Institutions, and Professional Registration	
Expense and Equipment	
From Other Funds	67,984
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund	6,870
From Federal Funds and Other Funds	302,894
For the Department of Public Safety	
Expense and Equipment	
From Federal Funds and Other Funds	211,028
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From General Revenue Fund	59,907
From Federal Funds and Other Funds	1,027,687
For the Department of Public Safety	
For the Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund	369,067
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund	5,758,051
From Other Funds	179,400
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund	1,747,231
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund	1,728,186
From Federal Funds	1,935,992
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund	9,534,619
From Federal Funds and Other Funds	5,269,800
For the State Legislature	
Expense and Equipment	
From General Revenue Fund	9,915

For the Secretary of State	
Expense and Equipment	
From General Revenue Fund	625,855
From Other Funds	3,296

For the State Auditor	
Expense and Equipment	
From General Revenue Fund	13,059

For the Attorney General	
Expense and Equipment	
From General Revenue Fund	336,129
From Federal Funds and Other Funds	320,013

For the Judiciary	
Expense and Equipment	
From General Revenue Fund	2,160,577
From Federal Funds and Other Funds	145,027
Total	\$40,429,545

SECTION 13.010.— To the Office of Administration

For the Division of Facilities Management, Design and Construction

For operation of state-owned facilities, utilities, systems furniture, structural modifications, and provided that not more than five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between departments within this section

For the Department of Elementary and Secondary Education

Expense and Equipment	
From General Revenue Fund	\$355,061
From Federal Funds	985,482

For the Department of Higher Education

Expense and Equipment	
From General Revenue Fund	120,445

For the Department of Revenue

Expense and Equipment	
From General Revenue Fund	593,299
From Other Funds	1,321,972

For the Office of Administration

Expense and Equipment	
From General Revenue Fund	1,895,500
From Other Funds	546,436

For the Department of Agriculture

Expense and Equipment	
From General Revenue Fund	89,226
From Federal Funds and Other Funds	391,516

For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund	324,211
From Federal Funds and Other Funds	910,280
For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund	238,955
From Federal Funds and Other Funds	1,113,988
For the Department of Insurance, Financial Institutions, and Professional Registration	
Expense and Equipment	
From Other Funds	884,741
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund	59,559
From Federal Funds and Other Funds	1,524,254
For the Department of Public Safety	
Expense and Equipment	
From General Revenue Fund	216,790
From Federal Funds and Other Funds	132,742
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From Other Funds	142,343
For the Department of Public Safety	
For the Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund	76,588
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund	860,805
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund	723,579
From Federal Funds and Other Funds	219,331
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund	665,155
From Federal Funds	978,439
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund	5,398,768

From Federal Funds and Other Funds	999,090
For the Governor's Office	
Expense and Equipment	
From General Revenue Fund	356,407
For the Lieutenant Governor's Office	
Expense and Equipment	
From General Revenue Fund	35,025
For the State Legislature	
Expense and Equipment	
From General Revenue Fund	1,870,179
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund	1,014,668
From Other Funds	39,564
For the State Auditor	
Expense and Equipment	
From General Revenue Fund	214,098
For the Attorney General	
Expense and Equipment	
From General Revenue Fund	463,317
From Federal Funds and Other Funds	248,920
For the State Treasurer	
Expense and Equipment	
From Other Funds	192,188
For the Judiciary	
Expense and Equipment	
From General Revenue Fund	<u>225,275</u>
Total	\$26,428,196

SECTION 13.015.— To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the operation of institutional facilities, utilities, systems furniture, structural modifications, and provided that not more than five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between departments within this section

For the Department of Elementary and Secondary Education

 Expense and Equipment
From General Revenue Fund

\$3,905,874

For the Department of Revenue

For the Lottery Commission

 Expense and Equipment
From Other Funds

136,775

For the Department of Agriculture Expense and Equipment From Other Funds	467,177
For the Department of Public Safety Expense and Equipment From Other Funds	2,547,527
For the Department of Public Safety For the State Highway Patrol Expense and Equipment From General Revenue Fund From Federal Funds and Other Funds	259,300 1,863,163
For the Department of Corrections Expense and Equipment From General Revenue Fund From Other Funds	43,666,749 1,425,607
For the Department of Mental Health Expense and Equipment From General Revenue Fund	21,114,308
For the Department of Health and Senior Services Expense and Equipment From Federal Funds	10,652
For the Department of Social Services Expense and Equipment From General Revenue Fund From Federal Funds Total	2,645,978 769,092 \$78,812,202

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	\$1,500,000
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SECTION 13.025.— To the Office of Administration

For the Division of Facilities Management, Design and Construction For the Department of Public Safety For the Adjutant General For the payment of real property leases, related services, utilities, systems furniture, structural modifications, and related expenses Expense and Equipment From Federal Funds	\$904,656E
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For the Department of Public Safety
For the Adjutant General

For the operation of institutional facilities, related services, utilities, systems furniture, structural modifications, and related expenses Expense and Equipment	
From General Revenue Fund	1,231,518
From Federal Funds	4,049,403E
From Other Funds	<u>446,828</u>
Total	\$6,632,405

Bill Totals

General Revenue Fund	\$112,403,741
Federal Funds	21,896,084
Other Funds	<u>15,509,091</u>
Total	\$149,808,916

Approved June 22, 2012

HB 2014 [HCS HB 2014]

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

APPROPRIATIONS: SUPPLEMENTAL PURPOSES.

AN ACT to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2012.

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

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2012, as follows:

SECTION 14.005.— To the Department of Elementary and Secondary Education
For distributions to the free public schools under the School Foundation
Program as provided in Chapter 163, RSMo, for the foundation
formula
From State School Moneys Fund

	\$31,000,000
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SECTION 14.010.— 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 Federal Funds

	\$81,849
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SECTION 14.015.— 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 State School Moneys Fund
From General Revenue Fund

	\$31,000,000
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SECTION 14.020.— To the Department of Revenue
 For enforcement of the Tobacco Master Settlement Agreement
 From Tobacco Control Special Fund \$11,091

SECTION 14.030.— 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 \$2,410,792

SECTION 14.035.— To the Department of Transportation
 For the Rail Program for infrastructure improvements on the existing rail
 corridor between St. Louis and Kansas City
 From Federal Funds \$4,000,000

SECTION 14.050.— To the Department of Insurance, Financial Institutions
 and Professional Registration
 For the State Board of Registration for the Healing Arts
 Expense and Equipment
 From Board of Registration for Healing Arts Fund \$89,736

SECTION 14.055.— To the Department of Public Safety
 For the State Highway Patrol
 For gasoline expenses for State Highway Patrol vehicles, including
 aircraft and Gaming Commission vehicles
 Expense and Equipment
 From Gaming Commission Fund \$68,243

SECTION 14.060.— To the Department of Public Safety
 For the State Emergency Management Agency
 For Administration and Emergency Operations
 Personal Service \$102,787
 Expense and Equipment 21,780
 From Missouri Disaster Fund (Not to exceed 1.50 F.T.E.) \$124,567

SECTION 14.065.— To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For the purpose of funding contractual services for offender physical and
 mental health care
 From General Revenue Fund \$3,425,212

SECTION 14.070.— To the Department of Mental Health
 For the Office of the Director
 For the purpose of paying overtime to 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 being used to pay overtime to any other state employees
 From General Revenue Fund \$1,753,277

From Federal Funds	<u>922,132</u>
Total	\$2,675,409

SECTION 14.075.— 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 MO HealthNet 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 MO HealthNet 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 MO HealthNet State Plan. And further provided that individuals eligible for the MO HealthNet 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 MO HealthNet 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	\$21,028,605
From Federal Funds	<u>10,738,663</u>
Total	\$31,767,268

SECTION 14.080.— To the Department of Social Services
For the Children's Division

For the purpose of funding children's treatment services; alternative care placement services; adoption subsidy services; independent living services; psychiatric diversion services; and services provided through comprehensive, expedited permanency systems of care for children and families

From General Revenue Fund	\$4,841,671
From Federal Funds	<u>4,744,322</u>
Total	\$9,585,993

SECTION 14.085.— To the Department of Social Services
For the MO HealthNet Division

For Healthcare Technology Incentives and administration

From Federal Funds	\$40,000,000
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SECTION 14.090.— To the Department of Social Services
For the MO HealthNet Division

For the purpose of funding Medicare Part D Clawback payments

From General Revenue Fund	\$5,661,226
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SECTION 14.095.— To the Department of Social Services
For the MO HealthNet Division

For the purpose of funding medical homes owned by hospitals

House Bill 2014

167

From Federal Funds	\$218,714
From Federal Reimbursement Allowance Fund	<u>24,301</u>
Total	\$243,015

Bill Totals

General Revenue Fund	\$70,120,783
Federal Funds	60,830,247
Other Funds	<u>193,371</u>
Total	\$131,144,401

Approved April 27, 2012

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HB 1029 [HB 1029]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires the Oversight Division of the Committee on Legislative Research to conduct program evaluations of state agencies, including budget transparency and accountability

AN ACT to repeal sections 23.140, 23.150, 23.160, 23.170, 23.180, 23.190, 23.200, and 23.265, RSMo, and to enact in lieu thereof seven new sections relating to the oversight subcommittee of the committee on legislative research.

SECTION

- A. Enacting clause.
- 23.140. Fiscal notes required for legislation — exceptions — contents — interference with staff prohibited — cooperation of agencies — changes in fiscal notes, hearings, procedure.
- 23.150. Oversight division organized, duties — subcommittee may be formed — number appointed, qualifications, powers and duties — oversight director and staff employed, qualifications.
- 23.160. Definition of program evaluation.
- 23.170. Evaluations, procedures to require or request — inspection of agency records, exceptions — time limitation for evaluations — presentation of completed evaluations, when.
- 23.180. Powers of committee.
- 23.190. Recommendations made to agency — response procedure for agency — evaluation reports, distribution, charge for public — review of agency in one year, report.
- 23.265. Report to general assembly on sunset programs, content — presentation by oversight division.
- 23.200. Committee on legislative research, additional powers and duties.

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

SECTION A. ENACTING CLAUSE. — Sections 23.140, 23.150, 23.160, 23.170, 23.180, 23.190, 23.200, and 23.265, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 23.140, 23.150, 23.160, 23.170, 23.180, 23.190, and 23.265, to read as follows:

23.140. FISCAL NOTES REQUIRED FOR LEGISLATION — EXCEPTIONS — CONTENTS — INTERFERENCE WITH STAFF PROHIBITED — COOPERATION OF AGENCIES — CHANGES IN FISCAL NOTES, HEARINGS, PROCEDURE. — 1. Legislation, with the exception of appropriation bills, introduced into either house of the general assembly shall, before being acted upon, be submitted to the oversight division of the committee on legislative research for the preparation of a fiscal note. The staff of the oversight division shall prepare a fiscal note, examining the items contained in subsection 2 and such additional items as may be provided either by joint rule of the house and senate or by resolution adopted by the committee or the oversight subcommittee.

2. The fiscal note shall state:

- (1) The cost of the proposed legislation to the state for the next two fiscal years;
- (2) Whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency;
- (3) Whether or not there is a federal mandate for the program or agency;
- (4) Whether or not the proposed program or agency will have significant direct fiscal impact upon any political subdivision of the state;
- (5) Whether or not any new physical facilities will be required; and
- (6) Whether or not the proposed legislation will have an economic impact on small businesses. For the purpose of this subdivision "small business" means a corporation, partnership, sole proprietorship or other business entity, including its affiliates, that:

- (a) Is independently owned and operated; and
- (b) Employs fifty or fewer full-time employees.

3. The fiscal note for a bill shall accompany the bill throughout its course of passage. No member of the general assembly, lobbyist or persons other than oversight division staff members shall participate in the preparation of any fiscal note unless the communication is in writing, with a duplicate to be filed with the fiscal note or unless requested for information by the fiscal analyst preparing the note. Violations of this provision shall be reported to the chairman of the legislative research committee and subject the fiscal note and proposed bill to subcommittee review. Once a fiscal note has been signed and approved by the director of the oversight division, the note shall not be changed or revised without prior approval of the chairman of the legislative research committee, except to reflect changes made in the bill it accompanies, or to correct patent typographical, clerical or drafting errors that do not involve changes of substance, nor shall substitution be made therefor. Appeals to revise, change or to substitute a fiscal note shall be made in writing by a member of the general assembly to the chairman of the legislative research committee and a hearing before the committee or subcommittee shall be granted as soon as possible. Any member of the general assembly, upon presentation of new or additional material, may, within three legislative days after the hearing on the request to revise, change or substitute a fiscal note, request one rehearing before the full committee to further consider the requested change.

The subcommittee, if satisfied that new or additional material has been presented, may recommend such rehearing to the full committee, and the rehearing shall be held as soon as possible thereafter.

4. The director of the division, hereinafter provided for, or the director's designees, shall seek information and advice from the affected department, division or agency of state government and shall call upon the research staffs of the house of representatives and of the senate, and upon the staffs of the house and senate appropriations committees for assistance in carrying out fiscal notes and [auditing functions and duties] **evaluations of programs selected by the committee**, during the interim, and each staff shall supply such information or advice as it [may possess] **deems appropriate** in response to the inquiry. The state auditor shall, upon request, cooperate and provide assistance in the conduct of audits and the preparation of reports made in connection therewith.

23.150. OVERSIGHT DIVISION ORGANIZED, DUTIES — SUBCOMMITTEE MAY BE FORMED — NUMBER APPOINTED, QUALIFICATIONS, POWERS AND DUTIES — OVERSIGHT DIRECTOR AND STAFF EMPLOYED, QUALIFICATIONS. — 1. The committee on legislative research shall organize an oversight division to prepare fiscal notes and to conduct [management audits and] program [audits] **evaluations** of state agencies, **including program evaluations involving budget transparency and accountability**. The committee may form a subcommittee of not less than six members to provide direct supervision of the personnel and practices of the division. The subcommittee shall consist of one-half of the members appointed by the [chairman] **chair** from the house which he **or she** represents and one-half of the members appointed by the vice [chairman] **chair** from the house which he **or she** represents.

2. Within the limits of the appropriations made for this division, the committee shall employ a director of the oversight division and other personnel as it deems necessary. The director shall be qualified by training and experience to conduct such [audits] **evaluations**, and he **or she** shall be directly responsible for those activities. The director of the oversight division, with the consent of the joint committee, may employ personnel necessary to carry out the duties prescribed in this chapter. Persons employed to work in the oversight division shall be professional persons possessing a wide knowledge and demonstrated expertise in governmental programming and financial planning, in conducting program review evaluations and analytic studies, and of federal, state, and local government budgetary processes, laws and regulations of the state of Missouri. [Office space, furniture and equipment formerly assigned to the committee

on state fiscal affairs, and appropriations made therefor, shall be transferred to the committee on legislative research.]

23.160. DEFINITION OF PROGRAM EVALUATION. — 1. [As used in this chapter, the term "management audit" means a postaudit which determines, with regard to the purpose, functions, and duties of an audited agency:

(1) Whether the agency is managing and utilizing its resources in an economical and efficient manner; and

(2) Which identifies causes of inefficiencies or uneconomical practices including inadequacies in the use and management of information systems, internal and administrative procedures, organizational structure, use of resources, allocation of personnel, and purchasing policies.

2.] As used in this chapter, the term "program [audit]" **evaluation**" means a [postaudit] **study** which determines and evaluates program performance according to program objectives, responsibilities, and duties as set forth by statute or regulation. Program [audits] **evaluations**, in accordance with generally accepted program evaluation standards, shall determine:

(1) Whether the program is being performed and administered as authorized or required by law, and whether this action conforms with statutory intent;

(2) Whether the objectives and intended benefits are being achieved, and whether [efficiently and effectively] **the absence of such achievements suggest the need for correction or additional legislation**;

(3) Benefits derived from any program in relation to the expenditures made therefor; and

(4) Whether the program duplicates, overlaps, or conflicts with any other state program. [A program audit may include determinations within the scope of a management audit to the extent necessary or appropriate to the conduct of a particular program audit.

3.] 2. As used in this chapter, the term "resources" includes appropriated funds, federal funds, grants, and personnel, and also includes equipment and space, whether assigned, owned or leased.

[4.] 3. As used in this chapter, the term "agency" includes each department and office within the executive branch of government and each identifiable unit thereof, including institutions of higher learning, and each identifiable unit of the legislative and judicial branches of government.

23.170. EVALUATIONS, PROCEDURES TO REQUIRE OR REQUEST — INSPECTION OF AGENCY RECORDS, EXCEPTIONS — TIME LIMITATION FOR EVALUATIONS — PRESENTATION OF COMPLETED EVALUATIONS, WHEN. — 1. The oversight division of the committee on legislative research shall, pursuant to a duly adopted concurrent resolution of the general assembly, or pursuant to a resolution adopted by the committee on legislative research, conduct [management audits and] program [audits] **evaluations** of agencies as directed by any such resolution.

2. The staff of any agency subject to a [management or] program [audit] **evaluation** shall fully cooperate with the staff of the oversight division and shall provide all necessary information and assistance for such an [audit] **evaluation**. All records of an agency, unless otherwise expressly declared by law to be confidential, may be inspected by the oversight division staff while conducting the [audit] **evaluation**, and the agency subject to the [audit] **evaluation** shall afford the oversight division staff with ample opportunity to observe agency operations.

3. All [audits] **evaluations** shall be completed within one year unless an extension is authorized by the committee, but progress reports shall be made to the committee at least [monthly] **quarterly**. [The subcommittee supervising the oversight division shall meet monthly to review progress reports, hear requests for changes in fiscal notes, and provide supervision for the oversight division staff.]

4. Any member of the general assembly and any committee of either house of the general assembly may submit requests for [audits] **program evaluations** to the committee on legislative research, and any agency may request an [audit] **evaluation** of its operations. **The director of the division shall present program evaluations completed during the previous legislative interim period to appropriate committees of each chamber during early hearings of those committees at the next regular session.**

23.180. POWERS OF COMMITTEE. — The committee may:

(1) Subpoena and examine witnesses by subpoena issued under the hand of the speaker of the house or the president pro tem of the senate and may require the appearance of any person and the production of any paper or document in the same manner;

(2) Cause witnesses appearing before the committee or [the] **its** staff [of the division] to give testimony under oath;

(3) Require that testimony given or a record of the proceedings of any hearing be recorded by an official court reporter or other competent person, under oath, in writing or by electronic, magnetic, or mechanical sound or video recording devices. Any such transcript or record, when certified by the reporter or recorder, shall be prima facie a correct statement of the testimony or proceedings.

23.190. RECOMMENDATIONS MADE TO AGENCY — RESPONSE PROCEDURE FOR AGENCY — EVALUATION REPORTS, DISTRIBUTION, CHARGE FOR PUBLIC — REVIEW OF AGENCY IN ONE YEAR, REPORT. — 1. In making [audits] **program evaluations** the division shall make recommendations and suggestions, in writing, to the personnel of the agency being [audited] **evaluated**. Such personnel shall be given an opportunity to respond, in writing, to those recommendations and suggestions. Thereafter, as soon as practicable after completion of the [audit] **evaluation**, the committee shall issue a public report of the [audit] **evaluation**. The report shall contain recommendations for changes in practices and policies as well as recommendations for changes in statutes and regulations, and shall contain the response of the agency involved. Each report shall be a public record and shall be signed by the committee [chairman] **chair**. Each report shall be presented to the governor and the agency involved. Copies may be made available to members of the general assembly and to the general public. The committee may charge a fee to recover publication costs for copies made available to the general public.

2. One year after completion of each [audit] **evaluation**, the oversight division shall review the operations of the agency [audited] **evaluated** to determine whether or not there has been substantial compliance with the recommendations contained in the report, and if not, a further review shall be conducted at the end of another year. In each instance a further report shall be made and distributed in the same manner as an initial report is made and distributed.

23.265. REPORT TO GENERAL ASSEMBLY ON SUNSETTING PROGRAMS, CONTENT — PRESENTATION BY OVERSIGHT DIVISION. — 1. At the beginning of each regular session of the general assembly, the committee shall present to the general assembly and the governor a report on the programs scheduled to be sunset.

2. In the report, the committee shall include:

(1) Its specific findings regarding each of the criteria prescribed by section 23.268;

(2) Its recommendations based on the matters prescribed by section 23.271; and

(3) Any other information the committee deems necessary for a complete evaluation of the program.

3. **The director of the oversight division shall present such reports to the house budget committee and the senate appropriations committee at such time as requested by the chairs of such committees.**

[23.200. COMMITTEE ON LEGISLATIVE RESEARCH, ADDITIONAL POWERS AND DUTIES.

— The staff of the committee on legislative research shall prepare a transfer-revision bill to be submitted to the ninetieth general assembly to revise the statutes so as to reflect the changes made by or pursuant to this act; except that, the committee on legislative research shall use fully the provisions of section 3.060 where such provisions will suffice. At such time as all statutory revision changes required pursuant to this act have gone into effect the revisor of statutes may prepare legislation to repeal this section.]

Approved July 10, 2012

HB 1036 [SCS HB 1036]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding elections

AN ACT to repeal sections 115.123 and 115.241, RSMo, and to enact in lieu thereof one new section relating to elections.

SECTION

- A. Enacting clause.
 115.123. Public elections to be held on certain Tuesdays, exceptions — presidential primary, when held — exemptions.
 115.241. Party emblem, where printed.

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

SECTION A. ENACTING CLAUSE. — Sections 115.123 and 115.241, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 115.123, to read as follows:

115.123. PUBLIC ELECTIONS TO BE HELD ON CERTAIN TUESDAYS, EXCEPTIONS — PRESIDENTIAL PRIMARY, WHEN HELD — EXEMPTIONS. — 1. All public elections shall be held on Tuesday. Except as provided in subsections 2[,] and 3[, and 4] of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in [February or] November, or on another day expressly provided by city or county charter, [the first Tuesday after the first Monday in June] and in nonprimary years on the first Tuesday after the first Monday in August. **Bond elections may be held on the first Tuesday after the first Monday in February but no other issue shall be included on the ballot for such election.**

2. Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the first Tuesday after the first Monday in [March] **February** of each presidential election year.

3. The following elections shall be exempt from the provisions of subsection 1 of this section:

- (1) Bond elections necessitated by fire, vandalism or natural disaster;
- (2) Elections for which ownership of real property is required by law for voting; [and]
- (3) Special elections to fill vacancies and to decide tie votes or election contests; **and**
- (4) **Tax elections necessitated by a financial hardship due to a five percent or greater decline in per-pupil state revenue to a school district from the previous year.**

4. [No city or county shall adopt a charter or charter amendment which calls for elections to be held on dates other than those established in subsection 1 of this section.

5.] Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before August 28, 1999.

[6.] **5.** Nothing in this section shall prohibit elections held pursuant to section 65.600, but no other issues shall be on the March ballot except pursuant to this chapter.

[115.241. PARTY EMBLEM, WHERE PRINTED. — Each party emblem shall be printed on the ballot above the party caption.]

Approved July 12, 2012

HB 1037 [HB 1037]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes commissioners of certain road districts, upon majority vote, to be compensated up to \$100 per month for their services

AN ACT to repeal section 233.280, RSMo, and to enact in lieu thereof one new section relating to the compensation of road district commissioners.

SECTION

A. Enacting clause.

233.280. Compensation of collector, county clerk and commissioners of road districts.

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

SECTION A. ENACTING CLAUSE. — Section 233.280, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 233.280, to read as follows:

233.280. COMPENSATION OF COLLECTOR, COUNTY CLERK AND COMMISSIONERS OF ROAD DISTRICTS. — 1. County collectors shall receive for collecting special tax bills authorized by sections 233.170 to 233.315 the same compensation as if collected as county taxes.

2. Clerks of county commissions shall receive for issuing and attesting each special tax bill issued under sections 233.170 to 233.315, six cents; for recording an abstract or description of each such tax bill, five cents; for making the record of a special tax payable in installments, four cents for each tract of land against which such tax is assessed; for attesting special assessment bonds issued under sections 233.170 to 233.315, and registering the same, twenty cents for each bond; for any other services performed under sections 233.170 to 233.315, such compensation as may be fixed by law, and if not fixed by law, such as may be fixed by the county commission.

3. Commissioners of road districts incorporated under sections 233.170 to 233.315 shall receive [no compensation for their services, but shall be paid any and all expenses they may incur in transacting business of the district, including reasonable attorney's fees] **such compensation for their services as a majority of the road district commissioners shall fix from time to time, not to exceed one hundred dollars per month, provided the compensation of a commissioner shall not change during the time for which he or she was elected or appointed. In addition to the compensation for their services, commissioners of road districts incorporated under sections 233.170 to 233.315 shall be paid any and all expenses they incur in transacting business of the district, including reasonable attorney's fees.**

Approved July 6, 2012

HB 1039 [HB 1039]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows a retiree of the Missouri Local Government Employees' Retirement System to have health insurance or long-term care insurance premiums deducted from his or her retirement allowance

AN ACT to repeal section 70.695, RSMo, and to enact in lieu thereof one new section relating to the Missouri local government employees' retirement system.

SECTION

- A. Enacting clause.
70.695. Rights accrued under sections 70.600 to 70.755 not subject to garnishment, execution or bankruptcy proceedings, exceptions.

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

SECTION A. ENACTING CLAUSE. — Section 70.695, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 70.695, to read as follows:

70.695. RIGHTS ACCRUED UNDER SECTIONS 70.600 TO 70.755 NOT SUBJECT TO GARNISHMENT, EXECUTION OR BANKRUPTCY PROCEEDINGS, EXCEPTIONS. — The right of a person to an allowance, to the return of accumulated contributions, the allowance itself, any allowance option, and any other right accrued or accruing under the provisions of sections 70.600 to 70.755, and all moneys belonging to the system shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or to any other process of law whatsoever, and shall be unassignable, except as is specifically provided in sections 70.600 to 70.755; except that:

(1) Any political subdivision shall have the right of setoff for any claim arising from embezzlement by or fraud of a member, retirant, or beneficiary; [and]

(2) Such rights shall not be exempt from attachment or execution in a proceeding instituted for the support and maintenance of children. In all such actions described in this subdivision, the system shall be entitled to collect a fee of up to twenty dollars chargeable against the person for each delinquent attachment, execution, sequestration or garnishment payment; **and**

(3) **A retirant may authorize the board to have deducted from his or her allowance the payments required of him or her to provide for health insurance or long-term care insurance premiums in accordance with Section 402 of the Internal Revenue Code of 1986, as amended.**

Approved June 18, 2012

 HB 1042 [SCS HCS HB 1042]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding higher education

AN ACT to repeal sections 173.005, 173.040, 173.606, 173.608, 173.612, 173.614, 173.616, 173.618, 174.332, and 174.450, RSMo, and to enact in lieu thereof ten new sections relating to higher education, with a penalty provision.

SECTION

- A. Enacting clause.
- 173.005. Department of higher education created — agencies, divisions, transferred to department — coordinating board, appointment qualifications, terms, compensation, duties, advisory committee, members.
- 173.040. Reports to governor and general assembly, contents.
- 173.606. Application for certification, contents — investigation of applicant — certificates nontransferable — temporary certificate — right of appeal if certificate denied.
- 173.608. Fee for certificate — disposition — additional fees authorized, when — fund created, purpose.
- 173.612. Coordinating board for higher education to administer law — powers and duties — rules and regulations, suspension and reinstatement.
- 173.614. Advisory committee — appointment, qualifications, terms — powers and duties — expenses.
- 173.616. Schools and courses that are exempt from sections 173.600 to 173.618.
- 173.618. Unlawful practices — injunction, board action — penalty.
- 174.332. Northwest Missouri State University, board of regents, members, terms, appointment of, quorum requirements.
- 174.450. Board of governors to be appointed for certain public institutions of higher education, qualifications, terms — change in congressional districts, effect of.

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

SECTION A. ENACTING CLAUSE. — Sections 173.005, 173.040, 173.606, 173.608, 173.612, 173.614, 173.616, 173.618, 174.332, and 174.450, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 173.005, 173.040, 173.606, 173.608, 173.612, 173.614, 173.616, 173.618, 174.332, and 174.450, to read as follows:

173.005. DEPARTMENT OF HIGHER EDUCATION CREATED — AGENCIES, DIVISIONS, TRANSFERRED TO DEPARTMENT — COORDINATING BOARD, APPOINTMENT QUALIFICATIONS, TERMS, COMPENSATION, DUTIES, ADVISORY COMMITTEE, MEMBERS. —

1. There is hereby created a "Department of Higher Education", and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B, RSMo.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. Moreover, no person shall be appointed to the coordinating board who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to appointment, and at least one but not more than two persons shall be appointed to said board from each congressional district. The term of service of a member of the coordinating board shall be six years and said members, while attending the meetings of the board, shall be reimbursed for their actual expenses. Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

(1) The coordinating board for higher education shall have approval of proposed new degree programs to be offered by the state institutions of higher education;

(2) The coordinating board for higher education may promote and encourage the development of cooperative agreements between Missouri public four-year institutions of higher education which do not offer graduate degrees and Missouri public four-year institutions of higher education which do offer graduate degrees for the purpose of offering graduate degree programs on campuses of those public four-year institutions of higher education which do not otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of the parties, including assignment of administrative responsibility. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no further approval from the coordinating board for higher education. Any costs incurred with respect to the administrative provisions of this subdivision may be paid from state funds allocated to the institution assigned the administrative authority for the program. The provisions of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this subsection;

(3) In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;

(4) No new state-supported senior colleges or residence centers shall be established except as provided by law and with approval of the coordinating board for higher education;

(5) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;

(6) The coordinating board for higher education shall require all public two-year and four-year higher education institutions to replicate best practices in remediation identified by the coordinating board and institutions from research undertaken by regional educational laboratories, higher education research organizations, and similar organizations with expertise in the subject, and identify and reduce methods that have been found to be ineffective in preparing or retaining students or that delay students from enrollment in college-level courses;

(7) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;

~~[(7)]~~ **(8) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state and [shall ensure that as of the 2008-09 academic year, in order to receive increases in state appropriations, all approved public two- and four-year public institutions shall work with the commissioner of higher education to establish agreed-upon competencies for all entry-level collegiate courses in English, mathematics, foreign language, sciences, and social sciences associated with an institution's general education core and that], with the assistance of the committee on transfer and articulation, shall require all public two-year and four-year higher education institutions to create by July 1, 2014, a statewide core transfer library of at least twenty-five lower division courses across all institutions that are transferable among all public higher education institutions.** The coordinating board shall establish policies and procedures to ensure such courses are accepted in transfer among public institutions and treated as equivalent to similar courses at the receiving institutions. **The coordinating board shall develop a policy to foster reverse transfer for any student who has accumulated enough hours in combination with at least one public higher education institution in Missouri that offers an associate degree and one public four-year higher education institution in the prescribed courses sufficient to meet the public higher education institution's requirements to be awarded an associate degree.** The department of elementary and secondary education

shall [align such competencies with] **maintain the alignment of** the assessments found in section 160.518 and successor assessments **with the competencies previously established under this subdivision for entry-level collegiate courses in English, mathematics, foreign language, sciences, and social sciences associated with an institution's general education core;**

[(8)] **(9)** The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state. The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;

[(9)] **(10)** Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds which the coordinating board is responsible for administering;

[(10)] **(11)** If any institution of higher education in this state, public or private, willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an approved institution within the meaning of section 173.1102. If any such public institution willfully disregards board policy, the commissioner of higher education may order such institution to remit a fine in an amount not to exceed one percent of the institution's current fiscal year state operating appropriation to the board. The board shall hold such funds until such time that the institution, as determined by the commissioner of higher education, corrects the violation, at which time the board shall refund such amount to the institution. If the commissioner determines that the institution has not redressed the violation within one year, the fine amount shall be deposited into the general revenue fund, unless the institution appeals such decision to the full coordinating board, which shall have the authority to make a binding and final decision, by means of a majority vote, regarding the matter. However, nothing in this section shall prevent any institution of higher education in this state from presenting additional budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly; and

[(11)] **(12)** (a) As used in this subdivision, the term "out-of-state public institution of higher education" shall mean an education institution located outside of Missouri that:

a. Is controlled or administered directly by a public agency or political subdivision or is classified as a public institution by the state;

b. Receives appropriations for operating expenses directly or indirectly from a state other than Missouri;

c. Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;

d. Meets the standards for accreditation by an accrediting body recognized by the United States Department of Education or any successor agency; and

e. Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source.

(b) No later than July 1, 2008, the coordinating board shall promulgate rules regarding:

a. The board's approval process of proposed new degree programs and course offerings by any out-of-state public institution of higher education seeking to offer degree programs or course work within the state of Missouri; and

b. The board's approval process of degree programs and courses offered by any out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by the board to operate a school in compliance with the provisions of sections 173.600 to 173.618. The rules

shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri public higher education institutions. Such out-of-state public institutions shall be held to standards no lower than the standards established by the coordinating board for program approval and the policy guidelines of the coordinating board for data collection, cooperation, and resolution of disputes between Missouri institutions of higher education under this section. Any such out-of-state public institutions of higher education wishing to continue operating within this state must be approved by the board under the rules promulgated under this subdivision. **The coordinating board may charge and collect fees from out-of-state public institutions to cover the costs of reviewing and assuring the quality of programs offered by out-of-state public institutions.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

(c) Nothing in this subdivision or in section 173.616 shall be construed or interpreted so that students attending an out-of-state public institution are considered to be attending a Missouri public institution of higher education for purposes of obtaining student financial assistance.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state-supported four-year college or university, including Harris-Stowe State University, Missouri Southern State University, Missouri Western State University, and Lincoln University; the president of Linn State Technical College; the president or chancellor of each public community college district; and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported community college, one privately supported four-year college, and one privately supported university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

4. The University of Missouri, Lincoln University, and all other state-governed colleges and universities, chapters 172, 174, 175, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to community college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with community college districts and matters pertaining to community colleges in public school districts, chapters 163, 178, and others, are transferred to the coordinating board for higher education by type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a postsecondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval.

173.040. REPORTS TO GOVERNOR AND GENERAL ASSEMBLY, CONTENTS. — The coordinating board is directed to submit a written report to the governor or governor-elect at least forty-five days prior to the opening of each regular session of the general assembly and to submit the same report to the general assembly within five days after the opening of each regular session. The report shall include:

(1) A statement of the initial coordinated plan for higher education in Missouri, together with subsequent changes and implementations;

(2) A review of recent changes in enrollments and programs among institutions of higher education in the state;

(3) A review of requests and recommendations made by the coordinating board to institutions of higher education in accordance with section 173.030 and of the college's or university's response to requests and recommendations, including noncompliance therewith;

(4) The coordinating board's recommendations for development and coordination in state-supported higher education in the forthcoming biennium, within the context of the long-range coordinated plan;

(5) The coordinating board's budget recommendations for each state-supported college or university for the forthcoming biennium; **and**

(6) The campus-level data on student persistence and a description, including the basis of measurement, of progress towards implementing revised remediation, transfer, and retention practices under subdivisions (6) and (8) of subsection 2 of section 173.005.

173.606. APPLICATION FOR CERTIFICATION, CONTENTS — INVESTIGATION OF APPLICANT — CERTIFICATES NONTRANSFERABLE — TEMPORARY CERTIFICATE — RIGHT OF APPEAL IF CERTIFICATE DENIED. — 1. Annually, each proprietary school desiring to operate in this state shall make written application to the board on forms furnished by the board. Such application shall include the identification of all locations operated by a proprietary school and shall identify a single location as a principal facility for the purpose of record keeping and administration. Any location at which education is offered by a franchisee of a franchisor approved to operate as a proprietary school shall be deemed a location within the scope of such franchisor's approval if such franchisor establishes the course curriculum and guidelines for teaching at such location.

2. The department of higher education shall review the application and may conduct an investigation of the applicant to ensure compliance with the rules and regulations. **A proprietary school in continuous operation for a period of no less than five years shall be eligible to apply for certification that is valid for two years.**

3. A certificate of approval is nontransferable. A change in the sole proprietor of a school, a change in the majority interest of general partners of a partnership owning a school, or a change in majority of stock ownership of a school shall for the purpose of sections 173.600 to 173.618 be deemed a transfer of ownership. Within thirty days of a transfer of ownership the new owner shall make written application to the board for a new certificate of approval. This application shall be processed like an initial application, except that the board may issue a temporary certificate of approval if the chief administrator of the school furnishes a written statement asserting that all of the conditions set forth in the rules and regulations are being met or will be met before offering training or education. A temporary certificate shall be effective for a maximum of sixty days.

4. Any school denied exemption or a certificate of approval and any approved school whose certificate is revoked or suspended may appeal to the administrative hearing commission.

173.608. FEE FOR CERTIFICATE — DISPOSITION — ADDITIONAL FEES AUTHORIZED, WHEN — FUND CREATED, PURPOSE. — 1. The **base** annual fee for a proprietary school certificate of approval shall be [~~\$.001~~] **\$.0013** per one dollar of net tuition and fees income (excluding refunds, books, tools and supplies), with a maximum of [two thousand five hundred] **five thousand** dollars and a minimum of [two hundred fifty] **five hundred** dollars per school. For a school having a certificate of approval for the sole purpose of recruiting students in Missouri, the net tuition used for this computation shall be only that paid to the school by students recruited from Missouri and the fee shall be [two hundred fifty] **five hundred** dollars plus the amount produced by the foundation calculation, **with a maximum of five thousand dollars. Every five years, beginning with fiscal year 2013, the coordinating board may increase the base annual fee as well as the related minimum and maximum amounts by administrative rule no more than the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984=100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the period since the last fee increase.**

2. In addition to the annual fee for a certificate of approval, the coordinating board may establish by administrative rule additional appropriate fees if necessary to generate funding sufficient to cover the entirety of costs associated with the operation of the proprietary school certification program, with advice of the proprietary school advisory committee.

[2.] **3.** Any school which operates at two or more locations, or has franchised schools as provided in section 173.606, may combine tuition and fees for all locations for the purpose of determining the annual fee payable under sections 173.600 to 173.618. [All fees received shall be deposited in the state treasury to the credit of general revenue.]

4. All revenue received by the coordinating board from the fees authorized in this section shall be deposited in the state treasury to the credit of the "Proprietary School Certification Fund" which is hereby created for the sole purpose of funding the costs associated with the operation of the proprietary school program. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

173.612. COORDINATING BOARD FOR HIGHER EDUCATION TO ADMINISTER LAW — POWERS AND DUTIES — RULES AND REGULATIONS, SUSPENSION AND REINSTATEMENT. —

1. The board shall, through the department of higher education, administer, supervise, and enforce the provisions and policies of sections 173.600 to 173.618 and shall assign the personnel that are necessary to exercise its powers and duties.

2. The rules and regulations adopted by the board under sections 173.600 to 173.618, together with any amendments thereto, shall be filed with the office of the secretary of state. The board may:

(1) Issue proprietary school certificates of approval or temporary certificates of approval to applicants meeting the requirements of sections 173.600 to 173.618;

(2) Suspend or revoke certificates or temporary certificates of approval, or place certified schools on probation;

(3) Require each proprietary school to file a security bond covering the school and its agents to indemnify any student, enrollee or parent, guardian, or sponsor of a student or enrollee who suffers loss or damage because of a violation of sections 173.600 to 173.618 by the school, or because a student is unable to complete the course due to the school's ceasing operation or because a student does not receive a refund to which he is entitled. The bond or other security shall cover all the facilities and locations of a proprietary school and shall not be less than five

thousand dollars or ten percent of the preceding year's gross tuition, whichever is greater, but in no case shall it exceed [twenty-five] **one hundred** thousand dollars. The bond shall clearly state that the school and the agents of the school are covered by it. The board may authorize the use of certificates of deposit, letters of credit, or other assets to be posted as security in lieu of this surety bond requirement;

(4) Collect **only that** data from certified proprietary schools [appropriate to establish records and statistics necessary to provide evaluation and planning by the department of higher education] **necessary to administer, supervise, and enforce the provisions of sections 173.600 to 173.619. The department shall, subject to appropriations, provide a system to electronically submit all data;**

(5) **Review proposals for new programs within ninety days from the date that a certified school submits a new program for review, and review proposals for revised programs within sixty days from the date that a certified school submits a revised program for review. If the department fails to review a proposal for a new or revised program within the prescribed time frame, the school shall be permitted to offer the program until the department completes its review and identifies a substantive issue or issues that need correction. In such case the department shall notify the school within an additional ninety days and the school shall then have ninety days from the date it is informed that a program offering has a deficiency to correct the deficiency without having to cease offering the program;**

(6) Administer sections 173.600 to 173.618 and initiate action to enforce it.

3. Any school which closes or whose certificate of approval is suspended, revoked, or not renewed shall, on the approval of the coordinating board, make partial or full refund of tuition and fees to the students enrolled, continue operation under a temporary certificate until students enrolled have completed the program for which they were enrolled, make arrangements for another school or schools to complete the instruction for which the students are enrolled, employ a combination of these methods in order to fulfill its obligations to the students, or implement other plans approved by the coordinating board.

4. Any rule or portion of a rule promulgated pursuant to sections 173.600 to 173.618 may be suspended by the joint house-senate committee on administrative rules until such time as the general assembly may by concurrent resolution signed by the governor reinstate such rule.

173.614. ADVISORY COMMITTEE — APPOINTMENT, QUALIFICATIONS, TERMS — POWERS AND DUTIES — EXPENSES. — 1. The "Proprietary School Advisory Committee" is hereby created consisting of seven members. All members shall be appointed by the [board] **commissioner of higher education** and shall be [either individual proprietors, general partners of partnerships,] **owners** or managerial employees of proprietary schools. The initial appointment of members to the committee shall be made within sixty days after September 28, 1983, and shall consist of two members appointed for terms expiring one year from September 28, 1983, two members appointed for terms expiring two years from September 28, 1983, and three members appointed for terms expiring three years from September 28, 1983. The terms of members initially appointed shall be designated by the board. Thereafter, each appointment shall be for a term of three years. If a committee member resigns or for any reason is unable or ineligible to continue to serve, a new member shall be appointed by the board to fill the unexpired term. **At all times at least three members of the committee shall represent schools that confer a degree and at least one of the three shall represent a school that confers a degree at the baccalaureate level or higher.**

2. The committee shall organize itself by the election of a chairman and other officers as needed.

3. The committee shall report to the board at least twice annually and advise the board on matters within the scope of sections 173.600 to 173.618.

4. The proprietary school advisory committee shall have the following responsibilities:

- (1) To advise the board in the administration of sections 173.600 to 173.618;
 - (2) To make recommendations with respect to the rules and regulations establishing minimum standards which are to be adopted by the board; and
 - (3) To advise the board with respect to grievances and complaints.
5. Members of the committee shall serve without compensation but may be reimbursed for traveling and other expenses necessarily incurred in the performance of their duties from funds of the department of higher education.

173.616. SCHOOLS AND COURSES THAT ARE EXEMPT FROM SECTIONS 173.600 TO 173.618. — 1. The following schools, training programs, and courses of instruction shall be exempt from the provisions of sections 173.600 to 173.618:

- (1) A public institution;
- (2) Any college or university represented directly or indirectly on the advisory committee of the coordinating board for higher education as provided in subsection 3 of section 173.005;
- (3) An institution that is certified by the board as an "approved private institution" under subdivision (2) of section [173.205] **173.1102**;
- (4) A not-for-profit religious school that is accredited by the American Association of Bible Colleges, the Association of Theological Schools in the United States and Canada, or a regional accrediting association, such as the North Central Association, which is recognized by the Council on Postsecondary Accreditation and the United States Department of Education; and
- (5) Beginning July 1, 2008, all out-of-state public institutions of higher education, as such term is defined in subdivision [(11)] **(12)** of subsection 2 of section 173.005.

2. The coordinating board shall exempt the following schools, training programs and courses of instruction from the provisions of sections 173.600 to 173.618:

- (1) A not-for-profit school owned, controlled and operated by a bona fide religious or denominational organization which offers no programs or degrees and grants no degrees or certificates other than those specifically designated as theological, bible, divinity or other religious designation;
- (2) A not-for-profit school owned, controlled and operated by a bona fide eleemosynary organization which provides instruction with no financial charge to its students and at which no part of the instructional cost is defrayed by or through programs of governmental student financial aid, including grants and loans, provided directly to or for individual students;
- (3) A school which offers instruction only in subject areas which are primarily for avocational or recreational purposes as distinct from courses to teach employable, marketable knowledge or skills, which does not advertise occupational objectives and which does not grant degrees;
- (4) A course of instruction, study or training program sponsored by an employer for the training and preparation of its own employees;
- (5) A course of study or instruction conducted by a trade, business or professional organization with a closed membership where participation in the course is limited to bona fide members of the trade, business or professional organization, or a course of instruction for persons in preparation for an examination given by a state board or commission where the state board or commission approves that course and school;
- (6) A school or person whose clientele are primarily students aged sixteen or under.

3. A school which is otherwise licensed and approved under and pursuant to any other licensing law of this state shall be exempt from sections 173.600 to 173.618, but a state certificate of incorporation shall not constitute licensing for the purpose of sections 173.600 to 173.618.

4. Any school, training program or course of instruction exempted herein may elect by majority action of its governing body or by action of its director to apply for approval of the school, training program or course of instruction under the provisions of sections 173.600 to 173.618. Upon application to and approval by the coordinating board, such school training

program or course of instruction may become exempt from the provisions of sections 173.600 to 173.618 at any subsequent time, except the board shall not approve an application for exemption if the approved school is then in any status of noncompliance with certification standards and a reversion to exempt status shall not relieve the school of any liability for indemnification or any penalty for noncompliance with certification standards during the period of the school's approved status.

173.618. UNLAWFUL PRACTICES — INJUNCTION, BOARD ACTION — PENALTY. — 1. Any act, method, or practice which violates the provisions of sections 173.600 to 173.618 shall be an unlawful practice within the meaning of section 407.020, and **any action authorized in section 407.020 may be taken.** In addition, the board may seek an injunction in the manner provided in chapter 407. The board may exercise the authority granted in subdivision (2) of subsection 2 of section 173.612 without seeking injunction.

2. Any person convicted of operating a proprietary school without certificate of approval or a temporary certificate of approval, or of failure to file bond or security as required by sections 173.600 to 173.618 or of violating any other provision of sections 173.600 to 173.618 is guilty of a class A misdemeanor and upon conviction shall be punished in the manner provided by law.

174.332. NORTHWEST MISSOURI STATE UNIVERSITY, BOARD OF REGENTS, MEMBERS, TERMS, APPOINTMENT OF, QUORUM REQUIREMENTS. — 1. Notwithstanding the provisions of section 174.050 to the contrary, the board of regents of Northwest Missouri State University shall be composed of nine members, eight of whom shall be voting members and one who shall be a nonvoting member. Not more than four voting members shall belong to any one political party. **Not more than two voting members shall be residents of the same county.** The appointed members of the board serving on August 28, 2008, shall continue to serve until the expiration of the terms for which the appointed members were appointed and until such time a successor is duly appointed.

2. The board of regents shall be appointed as follows:

(1) Six voting members shall be residents of the university's historic statutory service region, as described in section 174.010 and modified by section 174.250, provided at least one member shall be a resident of Nodaway County;

(2) Two voting members shall be residents of a county in the state that is outside the university's historic statutory service region, as described in section 174.010 and modified by section 174.250, provided these two members shall not be appointed from the same congressional district; and

(3) One nonvoting member shall be a full-time student of the university, a United States citizen, and a resident of Missouri.

3. A majority of the voting members of the board shall constitute a quorum for the transaction of business; however, no appropriation of money nor any contract that shall require any appropriation or disbursement of money shall be made, nor teacher employed or dismissed, unless a majority of the voting members of the board vote for the same.

4. Except as specifically provided in this section, the appointments and terms of office for the voting and nonvoting members of the board, and all other duties and responsibilities of the board, shall comply with the provisions of state law regarding boards of regents.

174.450. BOARD OF GOVERNORS TO BE APPOINTED FOR CERTAIN PUBLIC INSTITUTIONS OF HIGHER EDUCATION, QUALIFICATIONS, TERMS — CHANGE IN CONGRESSIONAL DISTRICTS, EFFECT OF. — 1. Except as provided in subsection 2 and subsection 6 of this section, the governing board of **the University of** Central Missouri [State University], Missouri State University, Missouri Southern State University, Missouri Western State University, and of each other public institution of higher education which, through the procedures established in subdivision (7) or (8) of section 173.030, is charged with a statewide mission shall be a board

of governors consisting of eight members, composed of seven voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party. The appointed members of the board of regents serving on the date of the statutory mission change shall become members of the board of governors on the effective date of the statutory mission change and serve until the expiration of the terms for which they were appointed. The board of regents of any such institution shall be abolished on the effective date of the statutory mission change, as prescribed in subdivision (7) or (8) of section 173.030.

2. The governing board of Missouri State University, a public institution of higher education charged with a statewide mission in public affairs, shall be a board of governors of ten members, composed of nine voting members and one nonvoting member, who shall be appointed by the governor, by and with the advice and consent of the senate. The nonvoting member shall be a student selected in the same manner as prescribed in section 174.055. At least one but no more than two voting members shall be appointed to the board from each congressional district, and every member of the board shall be a citizen of the United States, and a resident of this state for at least two years prior to his or her appointment. No more than five voting members shall belong to any one political party. The term of office of the governors shall be six years, **except as provided in this subsection.** [The voting members of the board of governors serving on August 28, 2005, shall serve until the expiration of the terms for which they were appointed. For those voting members appointed after August 28, 2005, the term of office will be established in a manner where no more than three terms shall expire in a given year.] The term of office for those appointed hereafter shall end January first in years ending in an odd number. **For the six voting members' terms that expired in 2011, the successors shall be appointed in the following manner:**

(1) Of the five voting members' terms that expired on August 28, 2011, one successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2013;

(2) Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to terms that shall expire on January 1, 2015;

(3) Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to a term that shall expire on January 1, 2017; and

(4) For the voting member's term that expired on January 1, 2011, the successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2017.

Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term.

3. If a voting member of the board of governors of Missouri State University is found by unanimous vote of the other governors to have moved such governor's residence from the district from which such governor was appointed, then the office of such governor shall be forfeited and considered vacant.

4. Should the total number of Missouri congressional districts be altered, all members of the board of governors of Missouri State University shall be allowed to serve the remainder of the term for which they were appointed.

5. Should the boundaries of any congressional districts be altered in a manner that displaces a member of the board of governors of Missouri State University from the congressional district

from which the member was appointed, the member shall be allowed to serve the remainder of the term for which the member was appointed.

6. The governing board of Missouri Southern State University shall be a board of governors consisting of nine members, composed of eight voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party.

Approved June 7, 2012

HB 1094 [SS SCS HCS HB 1094]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding electronic payments to state agencies and departments and the electronic payment of funds received by a county health center

AN ACT to repeal section 205.042, RSMo, and to enact in lieu thereof three new sections relating to payment systems.

SECTION

- A. Enacting clause.
- 37.007. Credit card, debit card, and other electronic payments, statewide system for all state agencies and departments.
- 37.920. Trust fund created for information technology expenses, use of moneys.
- 205.042. Trustees — organization — powers and duties — expenses.

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

SECTION A. ENACTING CLAUSE. — Section 205.042, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 37.007, 37.920, and 205.042, to read as follows:

37.007. CREDIT CARD, DEBIT CARD, AND OTHER ELECTRONIC PAYMENTS, STATEWIDE SYSTEM FOR ALL STATE AGENCIES AND DEPARTMENTS. — **Within six months of August 28, 2012, the commissioner of the office of administration shall develop and implement a statewide system or contract with any third party to allow all state agencies and departments to accept payments made by a credit card, debit card, or other electronic method designated by the commissioner. State agencies and departments shall not incur any additional fees for utilizing such payment methods.**

37.920. TRUST FUND CREATED FOR INFORMATION TECHNOLOGY EXPENSES, USE OF MONEYS. — **1. There is hereby created in the state treasury the "Missouri Revolving Information Technology Trust Fund" which shall contain moneys transferred or paid to the office of administration by any state agency in return for information technology expenses which may be incurred to ensure the proper use and operation of any information technology equipment, software, or systems.**

2. The state treasurer shall be custodian of the fund and may approve disbursement from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end

of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

205.042. TRUSTEES—ORGANIZATION—POWERS AND DUTIES—EXPENSES.— 1. The trustees, within ten days after their appointment or election, shall qualify by taking the oath of civil officers and organize as a board of health center trustees by the election of one of their number as chairman, one as secretary, one as treasurer, and by the election of such other officers as they may deem necessary, but no bond shall be required of them.

2. No trustee shall receive any compensation for his services performed, but he may receive reimbursement for any cash expenditures actually made for personal expenses incurred as such trustee, and an itemized statement of all such expenses and money paid out shall be made under oath by each of such trustees and filed with the secretary and allowed only by the affirmative vote of all of the trustees present at a meeting of the board.

3. The board of health center trustees shall make and adopt such bylaws, rules and regulations for its own guidance and for the government of the county health center as may be deemed expedient for the economic and equitable conduct thereof. It shall have the exclusive control of the expenditures of all moneys collected to the credit of the county health center fund, and of the purchase of site or sites, the purchase or construction of any county health center buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased or set apart for that purpose. All moneys received for the county health center shall be credited to the county health center and deposited in the depository thereof for the sole use of such county health center in accordance with the provisions of sections 205.010 to 205.150. All funds received by each county health center shall be paid out [only] **through an electronic funds transfer system in an amount within that approved by the board of health center trustees** or upon warrants ordered drawn by the treasurer of the board of trustees upon properly authenticated vouchers of the board of health center trustees.

4. The board of health center trustees may appoint and remove such personnel as may be necessary and fix their compensation; and shall in general carry out the spirit and intent of sections 205.010 to 205.150 pertaining to establishing and maintaining a county health center.

5. The board of health center trustees shall hold meetings at least once each month, and shall keep a complete record of all of its proceedings. Three members of the board shall constitute a quorum for the transaction of business.

6. One of the trustees shall visit and examine the county health center at least twice each month.

7. When the county health center is established, all personnel and all persons approaching or coming within the limits of same, and all furniture and other articles used or brought there shall be subject to such rules and regulations as the board may prescribe.

8. The board of health center trustees shall determine annually the rate of the tax levy, except that the rate so determined shall not exceed the maximum rate authorized by the vote of the people of the county.

9. The board of health center trustees may enter into contracts and agreements with federal, state, county, school and municipal governments and with private individuals, partnerships, firms, associations and corporations for the furtherance of health activities, except as hereafter prohibited.

Approved July 5, 2012

HB 1103 [HB 1103]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the maintenance of private roads and real estate appraisers and appraisal management companies

AN ACT to repeal sections 228.368, 339.500, 339.501, 339.503, 339.505, 339.509, 339.511, 339.513, 339.515, 339.517, 339.525, 339.527, 339.529, 339.532, 339.533, 339.535, 339.537, 339.541, 339.543, 339.545, 339.549, 339.1100, 339.1105, 339.1110, 339.1115, 339.1120, 339.1125, 339.1130, 339.1135, 339.1140, 339.1145, 339.1150, 339.1155, 339.1160, 339.1170, 339.1175, 339.1180, 339.1185, 339.1190, 339.1200, 339.1205, 339.1210, 339.1215, 339.1220, 339.1230, 339.1235, and 339.1240, RSMo, and to enact in lieu thereof twenty-four new sections relating to real estate appraising, with penalty provisions.

SECTION

- A. Enacting clause.
- 228.341. Private road defined.
- 228.368. Costs.
- 228.369. Maintenance, multiple user roads without written agreement, plan of maintenance by court — apportionment of costs.
- 228.374. Amending or modifying agreements or plans of maintenance by recorded agreement, when.
- 339.500. Citation of law.
- 339.501. Licensure or certification of real estate appraisers required, exceptions.
- 339.503. Definitions.
- 339.505. Titles of state-certified or state-licensed appraiser, who may use — certification or licensure not required to appraise for compensation — management companies, registration required, exceptions.
- 339.509. Commission, powers and duties.
- 339.511. Classifications of certification and licensure for appraisers and management companies — application — qualifications — continuing education requirements.
- 339.513. Applications for examinations, original certification, licensure and renewals, requirements, contents, fees, how set — fund established — signed compliance pledge, required.
- 339.515. Examination, content, validity period, must retake, when — failure to pass reexamination, when.
- 339.517. Examination required, when — rules authorized, invalid, when.
- 339.525. Renewals, procedure — renewal of an expired certificate or license, when, fee — inactive status granted, when.
- 339.527. Certificate or license number to be placed on report or contract — titles, how used — prohibited use — issue of certificate or license only to natural persons.
- 339.529. Addresses and changes of addresses, procedure — duties of notification.
- 339.532. Refusal to issue or renew certificate or license, procedure, hearing, grounds for refusal, penalties — revocation, when, appeal — recertification or relicensure, examination required.
- 339.533. Authority of commission, oaths and subpoenas.
- 339.535. Compliance with uniform standards required.
- 339.537. Records to be retained, retention period — availability of records for appraisers, when, cost.
- 339.541. Deception or fraud in applications, taking examination or falsely representing to public certification or licensure, penalty.
- 339.543. Mortgage fraud, commission may file court action — civil penalty — investigation authority.
- 339.545. Commission to issue certificates and licenses.
- 339.549. Violation of law — civil penalties — injunctions, venue.
- 339.1100. Citation of law.
- 339.1105. Definitions.
- 339.1110. Registration requirements.
- 339.1115. Inapplicability of act.
- 339.1120. Application requirements.
- 339.1125. Term of registration.
- 339.1130. Irrevocable uniform consent to service of process required.
- 339.1135. Fees, amount — surety bond required — rulemaking authority.
- 339.1140. Ownership limitations.
- 339.1145. Designation of compliance manager as contact.
- 339.1150. Prohibited acts.

- 339.1155. Verification system required for credentialing.
- 339.1160. Licensure required, when.
- 339.1170. Licensure verification system, biannual certification required.
- 339.1175. Licensure sanction verification system, biannual certification required.
- 339.1180. Appraisal reviews, biannual certification required.
- 339.1185. Record keeping, biannual certification required.
- 339.1190. Fee recording, appraiser not to be prohibited, when — fee notice to clients.
- 339.1200. Prohibited acts relating to influence.
- 339.1205. Prohibited acts, appraisal management company.
- 339.1210. Payment to appraiser, requirements.
- 339.1215. Alteration of appraisal report prohibited — appraiser's digital signature or seal not to be required.
- 339.1220. Registration numbers — list to be published — disclosure of numbers, when.
- 339.1230. Removal of appraiser prohibited, when — complaint procedure.
- 339.1235. Sanctioning of registration, imposition of civil penalties, when.
- 339.1240. Violations, adjudicatory proceedings.

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

SECTION A. ENACTING CLAUSE. — Sections 228.368, 339.500, 339.501, 339.503, 339.505, 339.509, 339.511, 339.513, 339.515, 339.517, 339.525, 339.527, 339.529, 339.532, 339.533, 339.535, 339.537, 339.541, 339.543, 339.545, 339.549, 339.1100, 339.1105, 339.1110, 339.1115, 339.1120, 339.1125, 339.1130, 339.1135, 339.1140, 339.1145, 339.1150, 339.1155, 339.1160, 339.1170, 339.1175, 339.1180, 339.1185, 339.1190, 339.1200, 339.1205, 339.1210, 339.1215, 339.1220, 339.1230, 339.1235, and 339.1240, RSMo, is repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 228.341, 228.368, 228.369, 228.374, 339.500, 339.501, 339.503, 339.505, 339.509, 339.511, 339.513, 339.515, 339.517, 339.525, 339.527, 339.529, 339.532, 339.533, 339.535, 339.537, 339.541, 339.543, 339.545, 339.549, to read as follows:

228.341. PRIVATE ROAD DEFINED. — For purposes of sections 228.341 to 228.374, "private road" with regard to a proceeding to obtain a maintenance order means any private road established under this chapter or any easement of access, regardless of how created, which provides a means of ingress and egress by motor vehicle for any owner or owners of residences from such homes to a public road. A private road does not include any road owned by the United States or any agency or instrumentality thereof, or the state of Missouri, or any county, municipality, political subdivision, special district, instrumentality, or agency of the state of Missouri. Nothing in sections 228.341 to 228.374 shall be deemed to apply to any road created by or included in any recorded plat referencing or referenced in an indenture or declaration creating an owner's association, regardless of whether such road is designated as a common element. Nothing in sections 228.341 to 228.374 shall be deemed to apply to any land or property owned or operated by any railroad regulated by the Federal Railroad Administration.

228.368. COSTS. — The costs of the proceedings to establish or widen a private road incurred up to and including the filing of the commissioners' report shall be paid by the plaintiff, and the court, as to any costs incurred in proceedings subsequent thereto, including the costs of the jury trial, may make such order as in its discretion may be deemed just, including, in the case of a proceeding to obtain a maintenance order, assessing the costs to all benefitted homeowners.

228.369. MAINTENANCE, MULTIPLE USER ROADS WITHOUT WRITTEN AGREEMENT, PLAN OF MAINTENANCE BY COURT — APPORTIONMENT OF COSTS. — **1.** For any private road subject to the use of more than one homeowner, in the absence of a prior order or written agreement for the maintenance of the private road, including covenants contained in deeds or state or local permits providing for the maintenance of a private road, when

adjoining homeowners who are benefitted by the use of an abutting private road, or homeowners who have an easement to use a private road, collectively owners or benefitted owners are unable to agree in writing upon a plan of maintenance for the maintenance, repair, or improvement of the private road and including the assessment and apportionment of costs for the plan of maintenance, one or more of the owners may petition the circuit court for an order establishing a plan of maintenance.

2. The cost of a plan of maintenance for a private road shall be apportioned among the owners of residences abutting the private road and holders of easements to use the private road, with the cost apportioned commensurate with the use and benefit to residences benefitted by the access, as mutually agreed by the benefitted homeowners or as ordered by the court with such method of apportionment as agreed by the homeowners or ordered by the court, including, but not limited to, equal division, or proportionate to the residential assessed value, or to front footage, or to usage or benefit.

3. The court may implement the same procedures to order and subsequently determine a plan of maintenance for a private road as provided in this chapter for establishing or widening a private road, including the appointment and compensation of disinterested commissioners to determine the plan and the apportionment of costs.

4. Where the homeowners who are benefitted by the private road are not able to agree upon the designation of a supervisor to complete the plan of maintenance, the commissioners appointed by the court shall designate a supervisor who shall be compensated for his or her services in the same manner as the commissioners.

5. Any agreement executed by all the homeowners, or final order approving, a plan of maintenance for a private road shall be recorded with the county recorder of deeds.

6. One or more adjoining homeowners or holders of any easement to use a private road may bring an action to enforce the plan of maintenance for a private road, whether as mutually agreed or as ordered by the court.

228.374. AMENDING OR MODIFYING AGREEMENTS OR PLANS OF MAINTENANCE BY RECORDED AGREEMENT, WHEN. — 1. A prior agreement or court order establishing a plan of maintenance may be amended or modified and may be restated at any time by a recorded agreement signed by all the homeowners or other benefitted owners.

2. No court proceeding under section 228.369 to amend, modify, or restate a plan of maintenance may be filed sooner than seven years from the entry of a prior order, except upon a prima facie showing that the real property benefitted by the private road has been developed or divided in a manner rendering the plan of maintenance obsolete or showing that the existing apportionment of the use and benefit to residences benefitted by the access to the private road is no longer equitable.

339.500. CITATION OF LAW. — This act shall be known and may be cited as the "Missouri Certified and Licensed Real Estate Appraisers and Appraisal Management Company Regulation Act".

339.501. LICENSURE OR CERTIFICATION OF REAL ESTATE APPRAISERS REQUIRED, EXCEPTIONS. — 1. Beginning July 1, 1999, it shall be unlawful for any person in this state to act as a real estate appraiser, or to directly or indirectly, engage or assume to engage in the business of real estate appraisal or to advertise or hold himself or herself out as engaging in or conducting such business without first obtaining a license or certificate issued by the Missouri real estate appraisers commission as provided in sections 339.500 to 339.549.

2. Except for licenses issued to appraisal management companies under section 339.511, no license or certificate shall be issued pursuant to sections 339.500 to 339.549 to a partnership, association, corporation, firm or group; except that, nothing in this section shall preclude a state-licensed or state-certified real estate appraiser from rendering appraisals for, or

on behalf of, a partnership, association, corporation, firm or group, provided the appraisal report is prepared by, or under the immediate personal direction of the state-licensed or state-certified real estate appraiser and is reviewed and signed by such state-licensed or state-certified appraiser.

3. Any person who is not state licensed or state certified pursuant to sections 339.500 to 339.549 may assist a state-licensed or state-certified real estate appraiser in the performance of an appraisal; provided that, such person is personally supervised by a state-licensed or state-certified appraiser and provided further that any appraisal report rendered in connection with the appraisal is reviewed and signed by the state-licensed or state-certified real estate appraiser.

4. Nothing in sections 339.500 to 339.549 shall abridge, infringe upon or otherwise restrict the right to use the term "certified ad valorem tax appraiser" or any similar term by persons performing ad valorem tax appraisals.

5. The provisions of sections 339.500 to 339.549 shall not be construed to require a license or certificate for:

(1) Any person, partnership, association or corporation who, as owner, performs appraisals of property owned by such person, partnership, association or corporation;

(2) Any licensed real estate broker or salesperson who prepares a comparative market analysis or a broker price opinion;

(3) Any employee of a local, state or federal agency who performs appraisal services within the scope of his or her employment; except that, this exemption shall not apply where any local, state or federal agency requires an employee to be registered, licensed or certified to perform appraisal services;

(4) Any employee of a federal or state-regulated lending agency or institution;

(5) Any agent of a federal or state-regulated lending agency or institution in a county of third or fourth classification.

339.503. DEFINITIONS. — As used in sections 339.500 to 339.549, the following words and phrases mean, unless the context clearly indicates otherwise:

(1) "Appraisal" or "real estate appraisal", an objective analysis, evaluation, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis;

(2) "Appraisal assignment", an engagement for which a person is employed or retained to act as a disinterested third party in rendering an objective appraisal;

(3) **"Appraisal firm", a person, limited liability company, partnership, association, or corporation whose principal is an appraiser licensed under sections 339.500 to 339.549 which for compensation prepares and communicates appraisals, reviews appraisals prepared by others, provides appraisal consultation services, and supervises, trains, and reviews work produced or certified by persons licensed under sections 339.500 to 339.549 who produces appraisals;**

(4) "Appraisal foundation", the organization of the same name that was incorporated as an Illinois not-for-profit corporation on November 20, 1987, whose operative boards are the appraisal standards board and the appraiser qualifications board;

(5) **"Appraisal management company", an individual or business entity that utilizes an appraisal panel and performs, directly or indirectly, appraisal management services;**

(6) **"Appraisal management services", to directly or indirectly perform any of the following functions on behalf of a lender, financial institution, client, or any other person:**

(a) **Administer an appraiser panel;**

(b) **Recruit, qualify, verify licensing or certification, and negotiate fees and service level expectations with persons who are part of an appraiser panel;**

(c) **Receive an order for an appraisal from one person and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion;**

(d) Track and determine the status of orders for appraisals performed by appraisers who are part of an appraisal panel;

(e) Conduct quality control of a completed appraisal performed by an appraiser who is part of an appraisal panel prior to the delivery of the appraisal to the person who ordered the appraisal; and

(f) Provide a completed appraisal performed by an appraiser who is part of an appraisal panel to one or more persons who have ordered an appraisal;

[(4)] **(7) "Appraisal report"**, any communication, written or oral, of an appraisal. The purpose of an appraisal is immaterial, therefore valuation reports, real estate counseling reports, real estate tax counseling reports, real estate offering memoranda, mortgage banking offers, highest and best use studies, market demand and economic feasibility studies and all other reports communicating an appraisal analysis, opinion or conclusion are appraisal reports, regardless of title;

[(5)] **(8) "Appraisal standards board (ASB)"**, the independent board of the appraisal foundation which promulgates the generally accepted standards of the appraisal profession and the uniform standards of professional appraisal practices;

(9) "Appraiser", an individual who holds a license as a state-licensed real estate appraiser or certification as a state-certified real estate appraiser under sections 339.500 to 339.549;

(10) "Appraiser panel", a network of licensed or certified appraisers that have:

(a) Responded to an invitation, request, or solicitation from an appraisal management company, in any form, to perform appraisals for persons who have ordered appraisals through the appraisal management company, or to perform appraisals for the appraisal management company directly; and

(b) Been selected and approved by an appraisal management company to perform appraisals for any client of the appraisal management company, or to perform appraisals for the appraisal management company directly;

[(6)] **(11) "Appraiser qualifications board (AQB)"**, the independent board of the appraisal foundation which establishes minimum experience, education and examination criteria for state licensing of appraisers;

[(7)] **(12) "Boat dock"**, a structure for loading and unloading boats and connecting real property to water, public or private. A boat dock is real property and has riparian rights, provided:

(a) The lender includes the boat dock as a fixture both in the lender's deed of trust and a uniform commercial code fixture filing under section 400.9-502;

(b) The boat dock is attached to the real property by steel cable, bar, or chain that is permanently imbedded in concrete or rock, and otherwise securely attached to the dock; and

(c) The owner of the dock has riparian rights by means of real estate rights bordering the body of water, including such rights by license, grant, or other means allowing access to the body of water, which access may be seasonal because the water may be reduced for electric power production or flood control;

[(8)] **(13) "Boat slip" or "watercraft slip"**, a defined area of water, including the riparian rights to use such area, whether by grant, lease, or license, in accordance with all applicable laws and regulations, which is a part of a boat dock serving a common interest community, including by way of example and not of limitation condominiums and villas; and the exclusive right to such use being allocated as a limited common element or being assigned to an owner of real estate in the common interest community in which the boat dock is located, whether by grant, lease, or otherwise. The rights of the real estate owner in such slip are included as collateral in any deed of trust and uniform commercial code filings of a lender, if any, taking a security interest in the owner's real estate;

[(9)] **(14) "Broker price opinion"**, an opinion of value, prepared by a real estate licensee for a fee, that includes, but is not limited to, analysis of competing properties, comparable sold

properties, recommended repairs and costs or suggested marketing techniques. A broker price opinion is not an appraisal and shall specifically state it is not an appraisal;

[(10)] **(15)** "Certificate", the document issued by the Missouri real estate appraisers commission evidencing that the person named therein has satisfied the requirements for certification as a state-certified real estate appraiser and bearing a certificate number assigned by the commission;

[(11)] **(16)** "Certificate holder", a person certified by the commission pursuant to the provisions of sections 339.500 to 339.549;

[(12)] **(17)** "Certified appraisal report", an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal report represents to the public that it meets the appraisal standards defined in sections 339.500 to 339.549;

[(13)] **(18)** "Commission", the Missouri real estate appraisers commission, created in section 339.507;

[(14)] **(19)** "Comparative market analysis", the analysis of sales of similar recently sold properties in order to derive an indication of the probable sales price of a particular property undertaken by a licensed real estate broker or agent, for his or her principal. A comparative market analysis is not an appraisal and shall specifically state it is not an appraisal;

(20) "Controlling person":

(a) An owner, officer, or director of a corporation, partnership, or other business entity seeking to offer appraisal management services in this state;

(b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals; or

(c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company;

[(15)] **(21)** "Disinterested third party" shall not exclude any state-certified real estate appraiser or state-licensed real estate appraiser employed or retained by any bank, savings association, credit union, mortgage banker or other lender to perform appraisal assignments, provided that the appraisal assignments are rendered with respect to loans to be extended by the bank, savings association, credit union, mortgage banker or other lender, and provided further that the state-certified real estate appraiser or state-licensed real estate appraiser is not requested or required to report a predetermined analysis or opinion of value;

[(16)] **(22)** "License" or "licensure", a license or licensure issued pursuant to the provisions of sections 339.500 to 339.549 evidencing that the person **or other legal entity** named therein has satisfied the requirements for licensure as a state-licensed real estate appraiser **or licensed appraisal management company** and bearing a license number assigned by the commission;

(23) "Licensed appraisal management company", a person or other legal entity who holds a current valid license as a licensed appraisal management company under sections 339.500 to 339.549;

[(17)] **(24)** "Real estate", an identified parcel or tract of land, including improvements, if any;

[(18)] **(25)** "Real estate appraiser" or "appraiser", a person who for a fee or valuable consideration develops and communicates real estate appraisals or otherwise gives an opinion of the value of real estate or any interest therein;

[(19)] **(26)** "Real estate appraising", the practice of developing and communicating real estate appraisals;

[(20)] **(27)** "Real property", the interests, benefits and rights inherent in the ownership of real estate;

[(21)] **(28)** "Residential real estate", any parcel of real estate, improved or unimproved, that is primarily residential in nature and that includes or is intended to include a residential structure containing not more than four dwelling units and no other improvements except those which are

typical residential improvements that support the residential use for the location and property type. A residential unit is a condominium, town house or cooperative complex, or a planned unit development is considered to be residential real estate. Subdivisions are not considered residential real estate. Individual parcels of property located within a residential subdivision shall be considered residential property;

[(22)] **(29)** "Specialized appraisal services", appraisal services which do not fall within the definition of appraisal assignment. The term "specialized services" may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser is acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not specialized services;

(30) "State-certified general appraiser trainee", a person who holds a current valid certificate as a state-certified general appraiser trainee issued under sections 339.500 to 339.539;

[(23)] **(31)** "State-certified general real estate appraiser", a person who holds a current, valid certificate as a state-certified general real estate appraiser issued pursuant to the provisions of sections 339.500 to 339.549;

(32) "State-certified residential appraiser trainee", a person who holds a current valid certificate as a state-certified residential appraiser trainee under sections 339.500 to 339.539;

[(24)] **(33)** "State-certified residential real estate appraiser", a person who holds a current, valid certificate as a state-certified residential real estate appraiser issued pursuant to the provisions of sections 339.500 to 339.549;

(34) "State-licensed appraiser trainee", a person who holds a current valid license as a state-licensed appraiser trainee under sections 339.500 to 339.549;

[(25)] **(35)** "State-licensed real estate appraiser", a person who holds a current, valid license as a state-licensed real estate appraiser pursuant to the provisions of sections 339.500 to 339.549;

[(26)] **(36)** "Subdivision", a tract of land that has been divided into blocks or plots with streets, roadways, open areas and other facilities appropriate to its development as residential, commercial or industrial sites;

[(27)] **(37)** "Temporary appraiser licensure or certification", the issuance of a temporary license or certificate by the commission to a person licensed or certified in another state who enters this state for the purpose of completing a particular appraisal assignment.

339.505. TITLES OF STATE-CERTIFIED OR STATE-LICENSED APPRAISER, WHO MAY USE — CERTIFICATION OR LICENSURE NOT REQUIRED TO APPRAISE FOR COMPENSATION — MANAGEMENT COMPANIES, REGISTRATION REQUIRED, EXCEPTIONS. — 1. It shall be unlawful for any person in this state to assume or use the title "state-licensed real estate appraiser" or "state-certified real estate appraiser", or any title, designation or abbreviation likely to create the impression of licensure or certification by the state of Missouri as a real estate appraiser, unless the person has first been licensed or certified by the Missouri real estate appraisers commission pursuant to the provisions of sections 339.500 to 339.549. The commission may adopt for the exclusive use of persons licensed or certified pursuant to sections 339.500 to 339.549, a seal, symbol or other mark identifying the user as a state-licensed or state-certified real estate appraiser.

2. Any person certified as a real estate appraiser by an appraisal trade organization, on August 28, 1998, shall retain the right to use the term "certified" or any similar term in identifying himself or herself to the public; provided that, in each instance wherein such term is used, the name of the certifying organization or body is prominently and conspicuously displayed immediately adjacent to such term, and provided further that the use of such term does not create the impression of certification by the state of Missouri. Nothing in this section shall entitle any person certified only by a trade organization, and not certified or licensed by the state, the right to conduct any appraisal.

3. The term "state-licensed real estate appraiser", "state-certified real estate appraiser" or any similar term shall not be used following or immediately in connection with the name of a partnership, association, corporation or other firm or group or in such manner that it might create the impression of licensure or certification by the state of Missouri as a real estate appraiser.

4. No person shall, directly or indirectly, engage or attempt to engage in the business as an appraisal management company, to directly or indirectly engage or attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a registration issued by the commission under sections 339.500 to 339.549; except for:

- (1) The performance of services as an appraisal firm;
- (2) A national or state bank, federal or state savings institution, or credit union that is subject to direct regulation or supervision by an agency of the United States government, or by the Missouri department of insurance, financial institutions and professional registration, that receives a request for the performance of an appraisal from one employee of the financial institution, and another employee of the same financial institution assigns the request for the appraisal to an appraiser who is an independent contractor to the institution;
- (3) An appraisal management company that is a subsidiary owned and controlled by a financial institution and regulated by a federal institution regulatory agency;
- (4) An appraiser that enters into an agreement, whether written or otherwise, with an appraiser for the performance of an appraisal, and upon the completion of the appraisal, the report of the appraiser performing the appraisal is signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal;
- (5) A state agency or local municipality that orders appraisals for ad valorem tax purposes or any other business on behalf of the state of Missouri;
- (6) Any person licensed to practice law in this state, a court-appointed personal representative, or a trustee who orders an appraisal in connection with a bona fide client relationship when such person directly contracts with an independent appraiser.

339.509. COMMISSION, POWERS AND DUTIES. — The commission shall have the following powers and duties:

- (1) To establish educational programs and research projects related to the appraisal of real estate;
- (2) To establish administrative procedures for processing applications and issuing **trainee licenses**, certificates of state-certified real estate appraisers [and] , licenses of state-licensed real estate appraisers, **and licenses of appraisal management companies**, and for conducting disciplinary proceedings pursuant to the provisions of sections 339.500 to 339.549 **or as required by federal law or regulation**; and shall have authority to determine who meets the criteria for certification and licensure, and shall have authority to renew, censure, suspend or revoke certifications and licenses;
- (3) To further define by regulation, with respect to each category of **trainee**, state-certified real estate appraiser, and for state-licensed real estate appraisers **and for appraisal management companies**, the type of educational experience, appraisal experience and equivalent experience, **and other criteria** that will meet the statutory requirements of sections 339.500 to 339.549 **or as required by federal law or regulation**; provided that such standards shall be equivalent to the minimum criteria for certification and licensure issued by the appraiser qualifications board of the appraisal foundation and the provisions of section 339.517 **or as required by federal law or regulation**;
- (4) To further define by regulation, with respect to each category of **trainee**, state-certified real estate appraiser, and for state-licensed real estate appraisers, the continuing education

requirements for the renewal of certification and licensure that will meet the statutory requirements provided in section 339.530 **or as required by federal law or regulation;**

(5) To adopt standards for the development and communication of real estate appraisals and to adopt regulations explaining and interpreting the standards; provided that such standards shall meet the standards specified by the appraisal standards board of the appraisal foundation **or as required by federal law or regulation;**

(6) To establish an examination for each category of state-certified real estate appraiser, and for state-licensed real estate appraisers, to provide or procure appropriate examination questions and answers, and to establish procedures for grading examinations; provided that such standards for examinations for certification shall meet the minimum criteria specified by the appraiser qualifications board of the appraisal foundation **or as required by federal law or regulation;**

(7) To maintain a registry of the names and addresses of **trainees**, state-certified real estate appraisers [and] , state-licensed real estate appraisers, **and appraisal management companies;** [and]

(8) To perform such other functions and duties as may be necessary to carry out the provisions of sections 339.500 to 339.549 **or to comply with the requirements of federal law or regulation; and**

(9) **To establish by rule the standards of practice for appraisal management companies.**

339.511. CLASSIFICATIONS OF CERTIFICATION AND LICENSURE FOR APPRAISERS AND MANAGEMENT COMPANIES — APPLICATION — QUALIFICATIONS — CONTINUING EDUCATION REQUIREMENTS. — 1. There shall be [three] **six** classes of licensure for individuals including:

- (1) [State licensed real estate appraiser] **State-licensed appraiser trainee;**
- (2) [Certified residential real estate appraiser; and] **State-licensed real estate appraiser;**
- (3) [Certified general real estate appraiser] **State-certified residential appraiser trainee;**
- (4) **State-certified residential real estate appraiser;**
- (5) **State-certified general appraiser trainee; and**
- (6) **State-certified general real estate appraiser.**

2. **There shall be one class of license for appraisal management companies.**

3. Persons desiring to obtain licensure as a **state-licensed appraiser trainee**, state-licensed real estate appraiser [or] , **state-certified residential appraiser trainee**, certification as a [certified] **state-certified residential real estate appraiser**, **state-certified general appraiser trainee**, or [certified] **state-certified general real estate appraiser** shall make written application to the commission on such forms as are prescribed by the commission setting forth the applicant's qualifications for licensure or certification and present to the commission satisfactory proof that the person is of good moral character and bears a good reputation for honesty, integrity and fair dealing.

[3.] 4. Each applicant for licensure as a **state-licensed appraiser trainee**, state-licensed real estate appraiser, **a state-certified residential appraiser trainee**, a state-certified residential real estate appraiser, **a state-certified general appraiser trainee**, or a state-certified general real estate appraiser shall have demonstrated the knowledge and competence necessary to perform appraisals of residential and other real estate as the commission may prescribe by rule not inconsistent with any requirements imposed by the appraiser qualifications board. The commission shall prescribe by rule procedures for obtaining and maintaining approved courses of instruction. The commission shall, also, prescribe the hours of training in real estate appraisal practices and the minimum level of experience acceptable for licensure or certification.

[4.] 5. Persons who receive certification after March 30, 1991, or who have a state license or certificate to engage in business as a real estate appraiser issued by the commission, shall receive the same license or certificate from the commission as such persons are currently holding

without further education, experience, examination or application fee, but shall be required to meet all continuing education requirements prescribed by the commission.

6. Appraisal management companies desiring to obtain licensure shall:

- (1) Make application to the commission on such forms as are prescribed by the commission setting forth the applicant's qualifications for licensure;**
- (2) Remit the fee or fees as established by rule;**
- (3) Post with the commission and maintain on renewal a surety bond in the amount of twenty thousand dollars as further promulgated by rule; and**
- (4) Submit to the commission satisfactory proof that any controlling person, defined in section 339.503, is of good moral character and bears a good reputation for honesty, integrity, and fair dealing.**

339.513. APPLICATIONS FOR EXAMINATIONS, ORIGINAL CERTIFICATION, LICENSURE AND RENEWALS, REQUIREMENTS, CONTENTS, FEES, HOW SET — FUND ESTABLISHED — SIGNED COMPLIANCE PLEDGE, REQUIRED. — 1. Applications for examination, original certification and licensure, and renewal certification and licensure shall be made in writing to the commission on forms provided by the commission. The application shall specify the classification of certification, or licensure, for which application is being made.

2. Appropriate fees shall accompany all applications for examination, original certification or licensure, and renewal certification or licensure; provided that such fees shall be in amounts set by the commission in order to offset the cost and expense of administering sections 339.500 to 339.549, and in amounts to be determined by the commission with reference to the requirements of Section 1109 of the United States Public Law 101-73, as later codified and as may be amended. All fees collected pursuant to this subsection shall be collected by the commission and deposited with the state treasurer into a fund to be known as the "Missouri Real Estate Appraisers and Appraisal Management Company Fund". The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds 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 board's funds for the preceding fiscal year. In any proceeding in which a remedy provided by subsection 1 or 2 of section 339.532 is imposed, the commission may also require the respondent licensee to pay the costs of the proceeding if the commission is a prevailing party or in settlement. The moneys shall be placed in the state treasury to the credit of the Missouri real estate appraisers fund.

3. At the time of filing an application for certification or licensure, each applicant shall sign a pledge to comply with the standards set forth in sections 339.500 to 339.549 and state that he or she understands the types of misconduct for which disciplinary proceedings may be initiated [against a state-certified real estate appraiser or a state-licensed real estate appraiser].

339.515. EXAMINATION, CONTENT, VALIDITY PERIOD, MUST RETAKE, WHEN — FAILURE TO PASS REEXAMINATION, WHEN. — 1. An original certification as a state-certified real estate appraiser may be issued to any person who meets the qualification requirements for certification and who has achieved a passing grade on a written examination which is consistent with and equivalent to the uniform state certification examination issued or endorsed by the appraiser qualifications board of the appraisal foundation and the commission.

2. An original license as a state-licensed real estate appraiser may be issued to any person who meets the qualification requirements for licensure and who has achieved a passing grade on a written examination which is consistent with and equivalent to the uniform state licensure

examination issued or endorsed by the appraiser qualifications board of the appraisal foundation and the commission.

3. If an applicant, **other than an appraisal management company**, is not certified or licensed within two years after passing an examination given pursuant to the provisions of this section, he or she shall be required to retake the examination prior to certification or licensure.

4. An applicant, **other than an appraisal management company**, who has failed an examination taken pursuant to this section may apply for reexamination by submitting an application with the appropriate examination fee within ninety days after the date of having last taken and failed the examination.

339.517. EXAMINATION REQUIRED, WHEN — RULES AUTHORIZED, INVALID, WHEN. —

1. Any person who files with the commission an application for state licensure or certification as a real estate appraiser shall be required to pass an examination to demonstrate his or her competence. The commission shall, also, make such investigation as is required to verify such qualifications. If the results of the investigation are satisfactory to the commission and the applicant is otherwise qualified, then the commission shall issue to the applicant a license or certificate authorizing the applicant to act as a state-licensed real estate appraiser or a state-certified real estate appraiser in Missouri. If the results of the investigation are unsatisfactory, action on the application may be deferred pending a hearing before the real estate appraisal commission.

2. The commission shall promulgate and adopt regulations which prescribe and define the subjects related to real estate appraisal and the experience in real estate appraisal that will satisfy the qualification requirements for licensure or certification. The commission may approve courses of instruction in an accredited college or university relating to the appraisal of real estate and related disciplines including, but not limited to, economics, finance, statistics, principles of capitalization, real estate and such other areas deemed relevant by the commission. The commission may also approve similar courses of instruction offered by recognized professional appraisal organizations and real estate organizations and agencies of the state and federal government, and other qualified providers which may be approved by the commission. The commission may require by rule that some or all of an applicant's qualifying experience in real estate appraising be obtained on appraisals of real estate located in this state.

3. Each applicant for certification or licensure, **except for appraisal management companies**, shall furnish under oath a detailed statement of the real estate appraisal assignments or file memoranda for each year in which real estate appraisal experience is claimed by the applicant. Upon request, the applicant shall furnish to the commission a sample of appraisal reports or file memoranda which the applicant has prepared in the course of his or her appraisal practice.

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, 2003, shall be invalid and void.

339.525. RENEWALS, PROCEDURE — RENEWAL OF AN EXPIRED CERTIFICATE OR LICENSE, WHEN, FEE — INACTIVE STATUS GRANTED, WHEN. — 1. To obtain a renewal certificate or license, a state certified real estate appraiser or state licensed real estate appraiser shall make application and pay the prescribed fee to the commission not earlier than one hundred twenty days nor later than thirty days prior to the expiration date of the certificate or license then held. With the application for renewal, the state certified real estate appraiser or state licensed

real estate appraiser shall present evidence in the form prescribed by the commission of having completed the continuing education requirements for renewal specified in section 339.530.

2. [If the commission determines that a state certified real estate appraiser or state licensed real estate appraiser has failed to meet the requirements for renewal of certification or licensure through mistake, misunderstanding, or circumstances beyond the appraiser's control, the commission may extend the term of the certificate or license for good cause shown for a period not to exceed six months, upon payment of a prescribed fee for the extension.

3.] If a person is otherwise eligible to renew the person's certification or license, the person may renew an expired certification or license within two years from the date of expiration. To renew such expired certification or license, the person shall submit an application for renewal, pay the renewal fee, pay a delinquent renewal fee as established by the commission, and present evidence in the form prescribed by the commission of having completed the continuing education requirements for renewal specified in section 339.530. Upon a finding of extenuating circumstances, the commission may waive the payment of the delinquent fee.

[4.] 3. If a person has failed to renew the person's license within two years of its expiration, the license shall be void.

[5.] 4. The commission is authorized to issue an inactive certificate or license to [any licensee] **a state-certified real estate appraiser or a state-licensed real estate appraiser** who makes written application for such on a form provided by the commission and remits the fee for an inactive certificate or license established by the commission. An inactive certificate or license may be issued only to a person who has previously been issued a certificate or license to practice as a real estate appraiser in this state, who is no longer regularly engaged in such practice, and who does not hold himself or herself out to the public as being professionally engaged in such practice in this state. Each inactive certificate or license shall be subject to all provisions of this chapter, except as otherwise specifically provided. Each inactive certificate or license may be renewed by the commission subject to all provisions of this section and all other provisions of this chapter. An inactive licensee may apply for a certificate or license to regularly engage in the practice of real estate appraising upon filing a written application on a form provided by the commission, submitting the reactivation fee established by the commission and submitting satisfactory proof of current competency as established by the commission.

5. To obtain a renewal license, an appraisal management company shall make application on a form prescribed by the commission and pay the prescribed fee.

6. To obtain a renewal license, a state-licensed appraiser trainee, state-certified residential appraiser trainee, or state-certified general appraiser trainee shall request an extension in writing at least thirty days prior to the expiration date as required by rule.

339.527. CERTIFICATE OR LICENSE NUMBER TO BE PLACED ON REPORT OR CONTRACT — TITLES, HOW USED — PROHIBITED USE — ISSUE OF CERTIFICATE OR LICENSE ONLY TO NATURAL PERSONS. — 1. [A certificate or license issued pursuant to sections 339.500 to 339.549 shall bear the signature or facsimile signature of the chairman of the commission and a certificate or license number assigned by the commission.

2.] A state-certified real estate appraiser may designate or identify an appraisal report rendered by him or her as a certified appraisal for the type of property included in his or her certification.

[3.] 2. Each state-certified real estate appraiser or state-licensed real estate appraiser shall place the certificate or license number adjacent to or immediately below the designation "Missouri State-certified (Residential/General) Real Estate Appraiser" or "Missouri State-licensed Real Estate Appraiser" when used in an appraisal report or in a contract or other instrument used by the holder of the certificate or license in conducting an appraisal assignment or specialized appraisal services. **A state-licensed real estate appraiser trainee, state-certified residential appraiser trainee, and state-certified general appraiser trainee shall place his or her license number adjacent to or immediately below the title "state-licensed appraiser trainee",**

"state-certified residential appraiser trainee", or "state-certified general appraiser trainee".

3. Each appraisal management company shall be required to disclose its license number on each engagement letter utilized in assigning an appraisal request for real estate appraisal assignments within the state of Missouri.

4. The terms "Missouri State-certified (Residential/General) Real Estate Appraiser" [and] , "Missouri State-licensed Real Estate Appraiser", "**Missouri State-licensed Appraiser Trainee**", "**Missouri State-certified Residential Appraiser Trainee**", and "**Missouri State-certified General Appraiser Trainee**" may only be used to refer to individuals who hold a certificate or license and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group or in such manner that it might be interpreted as referring to certification or licensure of the firm, partnership, corporation, group, or to certification or licensure of anyone other than an individual holder of the certificate or license.

5. **Except for licensed appraisal management companies**, a certificate or license shall be issued pursuant to sections 339.500 to 339.549 only to a natural person. However, nothing in this section shall preclude a state-certified real estate appraiser or state-licensed real estate appraiser from rendering appraisals for or on behalf of a corporation, partnership or association, provided that the appraisal report is prepared by, or under the immediate direction of, a state-certified real estate appraiser or state-licensed real estate appraiser, and further provided that the appraisal report is signed by the state-certified real estate appraiser or state-licensed real estate appraiser.

339.529. ADDRESSES AND CHANGES OF ADDRESSES, PROCEDURE — DUTIES OF NOTIFICATION. — 1. Each state-certified real estate appraiser, **state-certified appraiser trainee**, **state-licensed appraiser trainee**, and state-licensed real estate appraiser shall advise the commission of the address of his or her principal place of residence, business and all other addresses at which he or she is currently engaged in the business of preparing real property appraisal reports.

2. Whenever a state-certified real estate appraiser, **state-certified appraiser trainee**, **state-licensed appraiser trainee**, or state-licensed real estate appraiser changes the location of his or her place of business, he or she shall amend the certificate or license issued by the commission to reflect the change and shall give written notification of the change to the commission within thirty working days of the change.

3. Whenever a state-certified real estate appraiser or state-licensed real estate appraiser changes the location of his or her residence, he or she shall notify the commission of the new residence address within thirty working days of the change.

4. **Each appraisal management company shall notify the commission within thirty days of a change in its controlling person, agent of record, ownership composition, or address.**

339.532. REFUSAL TO ISSUE OR RENEW CERTIFICATE OR LICENSE, PROCEDURE, HEARING, GROUNDS FOR REFUSAL, PENALTIES — REVOCATION, WHEN, APPEAL — RECERTIFICATION OR RELICENSURE, EXAMINATION REQUIRED. — 1. The commission may refuse to issue or renew any certificate or license issued pursuant to sections 339.500 to 339.549 for one or any combination of causes stated in subsection 2 of this section. The commission shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any state-certified real estate appraiser, state-licensed real estate appraiser, **state-licensed appraiser trainee**, **state-certified residential**

appraiser trainee, state-certified general appraiser trainee, state-licensed appraisal management company that is a legal entity other than a natural person, any person who is a controlling person as defined in this chapter, or any person who has failed to renew or has surrendered his or her certificate or license for any one or any combination of the following causes:

(1) Procuring or attempting to procure a certificate or license pursuant to section 339.513 by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or licensure, or through any form of fraud or misrepresentation;

(2) Failing to meet the minimum qualifications for certification or licensure or renewal established by sections 339.500 to 339.549;

(3) Paying money or other valuable consideration, other than as provided for by section 339.513, to any member or employee of the commission to procure a certificate or license pursuant to sections 339.500 to 339.549;

(4) 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 the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 339.500 to 339.549 for any offense of which an essential element is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of any profession licensed or regulated by sections 339.500 to 339.549;

(6) Violation of any of the standards for the development or communication of real estate appraisals as provided in or pursuant to sections 339.500 to 339.549;

(7) Failure to comply with the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation;

(8) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(9) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

(10) Violating, assisting or enabling any person to willfully disregard any of the provisions of sections 339.500 to 339.549 or the regulations of the commission for the administration and enforcement of the provisions of sections 339.500 to 339.549;

(11) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser's reporting a predetermined analysis or opinion or where the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached or upon the consequences resulting from the appraisal assignment;

(12) Violating the confidential nature of governmental records to which the person gained access through employment or engagement to perform an appraisal assignment or specialized appraisal services for a governmental agency;

(13) Violating any term or condition of a certificate or license issued by the commission pursuant to the authority of sections 339.500 to 339.549;

(14) Violation of any professional trust or confidence;

(15) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(16) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 339.500 to 339.549 who is not licensed or certified and currently eligible to practice pursuant to sections 339.500 to 339.549;

(17) 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;

(18) Disciplinary action against the holder of a license, certificate or other right to practice any profession regulated pursuant to sections 339.500 to 339.549, imposed by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(19) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or certification, or for license or certification renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(20) Engaging in or committing, or assisting any person in engaging in or committing, any practice or act of mortgage fraud, as defined in section 443.930;

(21) Influencing or attempting to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, or bribery.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the commission may, singly or in combination, publicly censure or place the person named in the complaint on probation on such terms and conditions as the commission 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 or license. The holder of a certificate or license, **or the legal entity and any controlling person in the case of an appraisal management company**, revoked pursuant to this section may not obtain certification as a state-certified real estate appraiser [or] , licensure as a state-licensed real estate appraiser, **or licensure as an appraisal management company** for at least five years after the date of revocation.

4. Notwithstanding other provisions of this section, a real estate appraiser license or certification **or an appraisal management company license** shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant, **or any controlling person in the case of an appraisal management company**, has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of mortgage fraud as defined in section 570.310. The commission shall notify the individual **or legal entity** of the reasons for the revocation in writing, by certified mail.

5. A person, **or the legal entity or controlling person in the case of an appraisal management company**, whose license is revoked under subsection 4 of this section may appeal such revocation to the administrative hearing commission, as provided by chapter 621, within ninety days from the time the commission mails the notice of revocation. A person who fails to do so waives all rights to appeal the revocation.

6. A certification of a state-certified real estate appraiser [or] , a license of a state-licensed real estate appraiser, **or a license of an appraisal management company** that has been suspended as a result of disciplinary action by the commission shall not be reinstated, and a person, **controlling person, or legal entity** may not obtain certification as a state-certified real estate appraiser [or] , licensure as a state-licensed real estate appraiser, **or licensure as an appraisal management company** subsequent to revocation, unless the applicant presents evidence of completion of the continuing education required by section 339.530 during the period of suspension or revocation as well as fulfillment of any other conditions imposed by the commission. Applicants for recertification, relicensure or reinstatement also shall be required to successfully complete the examination for original certification or licensure required by section 339.515 as a condition to reinstatement of certification or licensure, or recertification or relicensure subsequent to revocation.

339.533. AUTHORITY OF COMMISSION, OATHS AND SUBPOENAS. — 1. The chairperson of the commission may administer oaths, issue subpoenas, and issue subpoenas duces tecum requiring the production of documents and records. Subpoenas and subpoenas duces tecum shall

be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person, **controlling person, or other legal entity** to produce original documents in response to a subpoena duces tecum, the commission may require sworn copies of such documents to be filed with it or delivered to its designated representative.

2. The commission may enforce its subpoenas and subpoenas duces tecum by applying to the circuit court of Cole County; the county of the investigation, hearing, or proceeding; or any county where the person, **controlling person, or other legal entity** subpoenaed resides or may be found for an order to show cause why such subpoena should not be enforced, such order and a copy of the application therefor to be served upon the person in the same manner as a summons in a civil action, and if the circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, such court shall proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court.

339.535. COMPLIANCE WITH UNIFORM STANDARDS REQUIRED. — [State certified] **State-certified** real estate appraisers [and state licensed] , **state-licensed** real estate appraisers, **state-licensed appraiser trainees, and state-certified appraiser trainees** shall comply with the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation.

339.537. RECORDS TO BE RETAINED, RETENTION PERIOD — AVAILABILITY OF RECORDS FOR APPRAISERS, WHEN, COST. — **1.** State-certified real estate appraisers and state licensed real estate appraisers shall retain originals or true copies of contracts engaging an appraiser's services for appraisal assignments, specialized appraisal services, appraisal reports, and supporting data assembled and formulated in preparing appraisal reports, for five years. The period for retention of the records applicable to each engagement of the services of the state-certified real estate appraiser or state-licensed real estate appraiser shall run from the date of the submission of the appraisal report to the client. Upon requests by the commission, these records shall be made available by the state-certified real estate appraiser or state-licensed real estate appraiser for inspection and copying at his or her expense, by the commission on reasonable notice to the state-certified real estate appraiser or state-licensed real estate appraiser. When litigation is contemplated at any time, reports and records shall be retained for two years after the final disposition.

2. All appraisal management company records shall be retained by the appraisal management company for five years. Upon request by the commission, such records shall promptly be made available to the commission for inspection and copying at the expense of the appraisal management company.

339.541. DECEPTION OR FRAUD IN APPLICATIONS, TAKING EXAMINATION OR FALSELY REPRESENTING TO PUBLIC CERTIFICATION OR LICENSURE, PENALTY. — **1.** It shall be a class B misdemeanor for any person to practice any deception or fraud with respect to his **or her** identity in connection with an application for certification or licensure or in the taking of an examination for certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser or by holding himself **or herself** out to any member of the public or representing himself **or herself** as a state certified real estate appraiser or a state licensed real estate appraiser when, in fact, he **or she** is not so.

2. It shall be a class B misdemeanor for any corporation, business, or controlling person to practice any deception or fraud in its identity in connection with an application or holding out to any member of the public or representation as a licensed appraisal management company when in fact it is not so.

339.543. MORTGAGE FRAUD, COMMISSION MAY FILE COURT ACTION — CIVIL PENALTY — INVESTIGATION AUTHORITY. — **1.** If the commission believes that an appraiser, **business,**

corporation, or controlling person has engaged in, is engaging in, or has willfully taken a substantial step toward engaging in an act, practice, omission, or course of business constituting mortgage fraud, as defined in section 443.930, or that a person, **business, corporation, or controlling person** has materially aided or is materially aiding any such act, practice, omission, or course of business, the commission may maintain an action in the circuit court of any county of the state or any city not within a county to enjoin the person, **business, corporation, or controlling person**. Upon a proper showing, the court may issue a permanent or temporary injunction, restraining order, or declaratory judgment.

2. The court may impose a civil penalty against the person, **business, corporation, or controlling person** not to exceed two thousand five hundred dollars for each violation and may grant any other relief the court determines is just and proper in the circumstances including, but not limited to, a temporary suspension of any license issued by the commission.

3. The commission may initiate an investigation and take all measures necessary to find the facts of any potential violation of this section, including issuing subpoenas to compel the attendance and testimony of witnesses and the production of documents and other evidence. The commission may conduct joint investigations, enter into confidentiality agreements, and share information obtained relating to an investigation under this section with other governmental agencies.

4. The enforcement authority of the commission under this section is cumulative to any other statutory authority of the commission.

339.545. COMMISSION TO ISSUE CERTIFICATES AND LICENSES. — 1. The commission shall take such action as is necessary to be able to issue general certificates, residential certificates and licenses to qualified persons.

2. The commission shall take action as is necessary to be able to issue licenses to qualified applicants seeking licensure as an appraisal management company.

339.549. VIOLATION OF LAW — CIVIL PENALTIES — INJUNCTIONS, VENUE. — 1. It is unlawful for any person, **business, corporation, or controlling person** not certified or licensed pursuant to sections 339.500 to 339.549 to perform any act for which certification or licensure is required. Upon application by the commission, and the necessary burden having been met, a court may grant an injunction, restraining order or other order as may be appropriate to enjoin a person, **business, corporation, or controlling person** from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate or license is required by sections 339.500 to 339.549 upon a showing that such acts or practices were performed or offered to be performed without a certificate or license; or

(2) Engaging in any practice or business authorized by a certificate or license issued pursuant to sections 339.500 to 339.549 upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client of the certificate holder or licensee.

2. Any such action shall be commenced in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any actions brought pursuant to this section shall be in addition to and not in lieu of any penalty provided by sections 339.500 to 339.549 and may be brought concurrently with other actions to enforce the provisions of this chapter.

[339.1100. CITATION OF LAW. — Sections 339.1100 to 339.1240 shall be known and may be cited as the "Missouri Appraisal Management Company Registration and Regulation Act".]

[339.1105. DEFINITIONS. — As used in sections 339.1100 to 339.1240, unless the context otherwise requires, the following terms shall mean:

- (1) "Appraisal" or "real estate appraisal", an objective analysis, evaluation, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis;
 - (2) "Appraisal firm", a person, limited liability company, partnership, association, or corporation whose principal is an appraiser licensed under sections 339.500 to 339.549 which for compensation prepares and communicates appraisals, reviews appraisals prepared by others, provides appraisal consultation services, and supervises, trains, and reviews work produced or certified by persons licensed under sections 339.500 to 339.549 who produce appraisals;
 - (3) "Appraisal management company", an individual or business entity that utilizes an appraisal panel and performs, directly or indirectly, appraisal management services;
 - (4) "Appraisal management services", to directly or indirectly perform any of the following functions on behalf of a lender, financial institution, client, or any other person:
 - (a) Administer an appraiser panel;
 - (b) Recruit, qualify, verify licensing or certification, and negotiate fees and service level expectations with persons who are part of an appraiser panel;
 - (c) Receive an order for an appraisal from one person and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion;
 - (d) Track and determine the status of orders for appraisals;
 - (e) Conduct quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal; and
 - (f) Provide a completed appraisal performed by an appraiser to one or more persons who have ordered an appraisal;
 - (5) "Appraisal review", the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment, except that an examination of an appraisal for grammatical, typographical, or other similar errors shall not be an appraisal review;
 - (6) "Appraiser", an individual who holds a license as a state licensed real estate appraiser or certification as a state certified real estate appraiser under this chapter;
 - (7) "Appraiser panel", a network of licensed or certified appraisers that have:
 - (a) Responded to an invitation, request, or solicitation from an appraisal management company, in any form, to perform appraisals for persons that have ordered appraisals through the appraisal management company or to perform appraisals for the appraisal management company directly; and
 - (b) Been selected and approved by an appraisal management company to perform appraisals for any client of the appraisal management company that has ordered an appraisal through the appraisal management company or to perform appraisals for the appraisal management company directly;
 - (8) "Commission", the Missouri real estate appraisers commission created in section 339.507;
 - (9) "Controlling person":
 - (a) An owner, officer or director of a corporation, partnership, or other business entity seeking to offer appraisal management services in this state;
 - (b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals; or
 - (c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company;
 - (10) "State certified real estate appraiser", a person who develops and communicates real estate appraisals and who holds a current valid certificate issued to the person for either general or residential real estate under this chapter;
-

(11) "State licensed real estate appraiser", a person who holds a current valid real estate appraiser license issued under this chapter.]

[339.1110. REGISTRATION REQUIREMENTS. — 1. No person shall directly or indirectly engage or attempt to engage in business as an appraisal management company, to directly or indirectly engage or attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a registration issued by the commission under sections 339.1100 to 339.1240.

2. The registration required by subsection 1 of this section shall, at a minimum, include the following:

- (1) Name of the entity seeking registration;
- (2) Business address of the entity seeking registration, which shall be located and maintained within this state;
- (3) Phone contact information of the entity seeking registration;
- (4) If the entity is not a corporation that is domiciled in this state, the name and contact information for the company's agent for service of process in this state;
- (5) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns ten percent or more of the appraisal management company;
- (6) The name, address, and contact information for a designated controlling person to be the primary communication source for the commission;
- (7) A certification that the entity has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company for appraisal services to be performed in Missouri holds a license in good standing in Missouri, if a license or certification is required to perform appraisals under section 339.1180;
- (8) A certification that the entity has a system in place to review the work of all appraisers who are performing real estate appraisal services for the appraisal management company on a periodic basis to validate that the real estate appraisal services are being conducted in accordance with Uniform Standards of Professional Appraisal Practice (USPAP) under section 339.1185;
- (9) A certification that the entity maintains a detailed record of each service request that it receives for appraisal services within the state of Missouri and the appraiser who performs the real estate appraisal services for the appraisal management company under section 339.1190;
- (10) An irrevocable uniform consent to service of process under section 339.1130; and
- (11) Any other reasonable information required by the commission to complete the registration process.]

[339.1115. INAPPLICABILITY OF ACT. — Sections 339.1100 to 339.1240 shall not apply to:

- (1) The performance of services as an appraisal firm;
- (2) A national or state bank, federal or state savings institution, or credit union that is subject to direct regulation or supervision by an agency of the United States government, or by the department of insurance, financial institutions or professional registration, that receives a request for the performance of an appraisal from one employee of the financial institution, and another employee of the same financial institution assigns the request for the appraisal to an appraiser who is an independent contractor to the institution. An entity exempt as provided in this subdivision shall file a notice with the commission containing the information required in section 339.1110;
- (3) An appraiser that enters into an agreement, whether written or otherwise, with an appraiser for the performance of an appraisal, and upon the completion of the appraisal, the report of the appraiser performing the appraisal is signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal;

(4) A state agency or local municipality that orders appraisals for ad valorem tax purposes or any other business on behalf of the state of Missouri;

(5) Any person licensed to practice law in this state, a court-appointed personal representative, or a trustee who orders an appraisal in connection with a bona fide client relationship when such person directly contracts with an independent appraiser.]

[339.1120. APPLICATION REQUIREMENTS. — An applicant for a registration as an appraisal management company shall submit to the commission an application containing the information required in subsection 2 of section 339.1110 on a form prescribed by the commission.]

[339.1125. TERM OF REGISTRATION. — Registration shall be valid for two years from its issuance.]

[339.1130. IRREVOCABLE UNIFORM CONSENT TO SERVICE OF PROCESS REQUIRED. — Each entity applying for a registration as an appraisal management company in Missouri shall complete an irrevocable uniform consent to service of process, as prescribed by the commission.]

[339.1135. FEES, AMOUNT — SURETY BOND REQUIRED — RULEMAKING AUTHORITY. — 1. The commission shall establish by rule the fee to be paid by each appraisal management company seeking registration under sections 339.1100 to 339.1240, such that the sum of the fees paid by all appraisal management companies seeking registration under this section shall be sufficient for the administration of sections 339.1100 to 339.1240. The commission shall charge and collect fees to be utilized to fund activities that may be necessary to carry out the provisions of this chapter.

2. Each applicant for registration shall post with the commission and maintain on renewal a surety bond in the amount of twenty thousand dollars. The details of the bond shall be prescribed by rule of the commission, however, the bond shall not be used to assist appraisers in collection efforts of credit extended by the appraiser.

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 sections 339.1100 to 339.1240 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 339.1100 to 339.1240 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, 2010, shall be invalid and void.]

[339.1140. OWNERSHIP LIMITATIONS. — 1. An appraisal management company applying for a registration in Missouri shall not be more than ten percent owned by:

(1) A person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state;

(2) An entity that is more than ten percent owned by any person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state.

2. Each person who owns more than ten percent of an appraisal management company in this state shall:

(1) Be of good moral character, as determined by the commission; and

(2) Submit to a background investigation, as determined by the commission.

3. Each appraisal management company applying for registration shall certify to the commission that it has reviewed each entity that owns more than ten percent of the appraisal

management company and that no entity that owns more than ten percent of the appraisal management company is more than ten percent owned by any person who has had a license or certificate to act as an appraiser refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation.

4. Each appraisal management company shall notify the commission within thirty days of a change in its controlling principal, agent of record, or ownership composition.]

[339.1145. DESIGNATION OF COMPLIANCE MANAGER AS CONTACT. — 1. Each appraisal management company applying to the commission for a registration in this state shall designate one compliance manager who will be the main contact for all communication between the commission and the appraisal management company.

2. The designated controlling person under subsection 1 of this section shall:

- (1) Have never had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state;
- (2) Be of good moral character, as determined by the commission; and
- (3) Submit to a background investigation, as determined by the commission.]

[339.1150. PROHIBITED ACTS. — An appraisal management company that applies to the commission for registration to do business in this state as an appraisal management company under subdivision (1) of section 339.1115 shall not:

(1) Employ any person directly involved in appraisal management services who has had a license or certificate to act as an appraiser in Missouri or in any other state refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation;

(2) Knowingly enter into any independent contractor arrangement, whether in verbal, written, or other form, with any person who has had a license or certificate to act as an appraiser in Missouri or in any other state refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation;

(3) Knowingly enter into any contract, agreement, or other business relationship directly involved with the performance of real estate appraisal or appraisal management services, whether in verbal, written, or any other form, with any entity that employs, has entered into an independent contract arrangement, or has entered into any contract, agreement, or other business relationship, whether in verbal, written, or any other form, with any person who has ever had a license or certificate to act as an appraiser in Missouri or in any other state, refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation.]

[339.1155. VERIFICATION SYSTEM REQUIRED FOR CREDENTIALING. — Prior to placing an assignment for real estate appraisal services within the state of Missouri with an appraiser on the appraiser panel of an appraisal management company, the appraisal management company shall have a system in place to verify that the appraiser receiving the assignment holds a credential in good standing in the state of Missouri. Letters of engagement shall include instructions to the appraiser to decline the assignment in the event the appraiser is not geographically competent or the assignment falls outside the appraiser's scope of practice restrictions.]

[339.1160. LICENSURE REQUIRED, WHEN. — Any employee or independent contractor of the appraisal management company who performs an appraisal review shall be an individual who holds a license as a state licensed real estate appraiser or certification as a state certified real estate appraiser under this chapter. Letters of engagement shall include instructions to the appraiser to decline the appraisal review assignment in the event the appraiser is not geographically competent or the assignment falls outside the appraiser's scope of practice restrictions.]

[339.1170. LICENSURE VERIFICATION SYSTEM, BIENNIAL CERTIFICATION REQUIRED.

— Each appraisal management company seeking to be registered shall certify to the commission on a biannual basis on a form prescribed by the commission that the appraisal management company has a system and process in place to verify that an individual being added to the appraiser panel of the appraisal management company holds a license in good standing in this state under this chapter.]

[339.1175. LICENSURE SANCTION VERIFICATION SYSTEM, BIENNIAL CERTIFICATION REQUIRED.

— Each appraisal management company seeking to be registered shall certify to the commission on a biannual basis on a form prescribed by the commission that the appraisal management company has a system in place to verify that an individual to whom the appraisal management company is making an assignment for the completion of an appraisal has not had a license or certification as an appraiser refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation on a regular basis.]

[339.1180. APPRAISAL REVIEWS, BIENNIAL CERTIFICATION REQUIRED.

— Each registered appraisal management company shall certify to the commission on a biannual basis that it has a system in place to perform an appraisal review on a periodic basis of the work of all appraisers who are performing appraisals for the appraisal management company to validate that the appraisals are being conducted in accordance with Uniform Standards of Professional Appraisal Practice (USPAP). An appraisal management company shall report to the commission the results of any appraisal reviews in which an appraisal is found to be substantially noncompliant with USPAP or state or federal laws pertaining to appraisals.]

[339.1185. RECORD KEEPING, BIENNIAL CERTIFICATION REQUIRED.

— 1. Each appraisal management company seeking to be registered shall certify to the commission biannually that it maintains a detailed record of each service request for appraisal services within the state of Missouri and that it receives of each appraiser who performs an appraisal for the appraisal management company in the state of Missouri.

2. All appraisal management company records shall be retained for five years.]

[339.1190. FEE RECORDING, APPRAISER NOT TO BE PROHIBITED, WHEN — FEE NOTICE TO CLIENTS.

— 1. An appraisal management company shall not prohibit its appraiser who is part of an appraiser panel from recording the fee that the appraiser was paid by the appraisal management company for the performance of the appraisal within the appraisal report that is submitted by the appraiser to the appraisal management company.

2. An appraisal management company shall separately state to the client the fees paid to an appraiser for appraisal services and the fees charged by the appraisal management company for services associated with the management of the appraisal process, including procurement of the appraiser's services.]

[339.1200. PROHIBITED ACTS RELATING TO INFLUENCE. — 1. No employee, director, officer, or agent of an appraisal management company shall influence or attempt to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, bribery or in any other manner, including but not limited to:

(1) Withholding or threatening to withhold timely payment for an appraisal, except in cases of substandard performance or noncompliance with conditions of engagement;

(2) Withholding or threatening to withhold future business, or demoting, terminating, or threatening to demote or terminate an appraiser;

(3) Expressly or impliedly promising future business, promotions, or increased compensation for an appraiser;

(4) Conditioning the request for an appraisal or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;

(5) Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal;

(6) Providing to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided;

(7) Providing to an appraiser, or any entity or person related to the appraiser, stock or other financial or nonfinancial benefits;

(8) Allowing the removal of an appraiser from an appraiser panel without prior written notice to such appraiser;

(9) Any other act or practice that knowingly impairs or attempts to impair an appraiser's independence, objectivity, or impartiality;

(10) Requiring an appraiser to collect an appraisal fee on behalf of the appraisal management company from the borrower, homeowner, or other third party; or

(11) Requiring an appraiser to indemnify an appraisal management company or hold an appraisal management company harmless for any liability, damage, losses, or claims arising out of the services performed by the appraisal management company, and not the services performed by the appraiser.

2. Nothing in subsection 1 of this section shall prohibit the appraisal management company from requesting that an appraiser:

(1) Provide additional information about the basis for a valuation; or

(2) Correct objective factual errors in an appraisal report; or

(3) Provide additional information with the appraisal regarding additional sales provided through an established dispute process.]

339.1205. PROHIBITED ACTS, APPRAISAL MANAGEMENT COMPANY. — An appraisal management company shall not:

(1) Require an appraiser to modify any aspect of an appraisal report unless the modification complies with section 339.1200;

(2) Require an appraiser to prepare an appraisal report if the appraiser, in the appraiser's own professional judgment, believes the appraiser does not have the necessary expertise for the assignment or for the specific geographic area, and has notified the appraisal management company and declined the assignment;

(3) Require an appraiser to prepare an appraisal under a time frame that the appraiser, in the appraiser's own professional judgment, believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations, and has notified the appraisal management company and declined the assignment;

(4) Prohibit or inhibit legal or other allowable communication between the appraiser and:

(a) The lender;

(b) A real estate licensee; or

(c) Any other person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant;

(5) Knowingly require the appraiser to do anything that does not comply with:

(a) Uniformed Standards of Professional Appraisal Practice (USPAP);

(b) The Missouri certified and licensed real estate appraisers act established under this chapter; or

(c) Any assignment conditions and certifications required by the client;

(6) Make any portion of the appraiser's fee or the appraisal management company's fee contingent on a predetermined or favorable outcome, including but not limited to:

- (a) A loan closing; or
- (b) Specific dollar amount being achieved by the appraiser in the appraisal report.]

[339.1210. PAYMENT TO APPRAISER, REQUIREMENTS. — Each appraisal management company shall, except in cases of breach of contract or substandard performance of services, make payment to an appraiser for the completion of an appraisal or valuation assignment within thirty days, unless a mutually agreed upon alternate payment schedule exists, from when the appraiser transmits or otherwise provides the completed appraisal or valuation study to the appraisal management company or its assignee.]

[339.1215. ALTERATION OF APPRAISAL REPORT PROHIBITED — APPRAISER'S DIGITAL SIGNATURE OR SEAL NOT TO BE REQUIRED. — 1. An appraisal management company shall not alter, modify, or otherwise change a completed appraisal report submitted by an appraiser by:

- (1) Permanently removing the appraiser's signature or seal; or
 - (2) Adding information to, or removing information from, the appraisal report with an intent to change the valuation conclusion.
2. No registered appraisal management company shall require an appraiser to provide the appraisal management company with the appraiser's digital signature or seal.]

[339.1220. REGISTRATION NUMBERS — LIST TO BE PUBLISHED — DISCLOSURE OF NUMBERS, WHEN. — 1. The commission shall issue a unique registration number to each appraisal management company.

2. The commission shall publish a list of the appraisal management companies that have registered under sections 339.1100 to 339.1240 and have been issued a registration number.

3. An appraisal management company shall be required to disclose the registration number on each engagement letter utilized in assigning an appraisal request for real estate appraisal assignments within the state of Missouri.]

[339.1230. REMOVAL OF APPRAISER PROHIBITED, WHEN — COMPLAINT PROCEDURE. — 1. Except within the first thirty days after an appraiser is first added to the appraiser panel of an appraisal management company, an appraisal management company shall not remove an appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to an appraiser without:

- (1) Notifying the appraiser in writing of the reasons why the appraiser is being removed from the appraiser panel of the appraisal management company;
- (2) If the appraiser is being removed from the panel for illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or a violation of state licensing standards, describing the nature of the alleged conduct or violation; and
- (3) Providing an opportunity for the appraiser to respond to the notification of the appraisal management company.

2. An appraiser who is removed from the appraiser panel of an appraisal management company for alleged illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or violation of state licensing standards may file a complaint with the commission for a review of the decision of the appraisal management company; except that, in no case shall the commission make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company which is unrelated to the actions specified in subsection 1 of this section.

3. If after notice and an opportunity for hearing and review, the commission determines that an appraiser did not commit a violation of law, a violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or a violation of state licensing standards, the

commission shall order that such appraiser be added to the appraiser panel of the appraisal management company.

4. If the commission has found that the appraisal management company acted improperly in removing the appraiser from the appraiser panel, an appraisal management company shall not refuse to make assignments for real estate appraisal services to an appraiser, or reduce the number of assignments, or otherwise penalize the appraiser.]

[339.1235. SANCTIONING OF REGISTRATION, IMPOSITION OF CIVIL PENALTIES, WHEN. — The commission may censure an appraisal management company, conditionally or unconditionally suspend or revoke any registration issued under sections 339.1100 to 339.1240, or impose civil penalties not to exceed one thousand dollars for each offense. Each day of a continued violation constitutes a separate offense, with a maximum penalty of ten thousand dollars. In determining the amount of penalty to be imposed, the commission may consider if an appraisal management company is:

- (1) Knowingly committing any act in violation of sections 339.1100 to 339.1240;
- (2) Violating any rule adopted by the commission; or
- (3) Procuring a license by fraud, misrepresentation, or deceit.]

[339.1240. VIOLATIONS, ADJUDICATORY PROCEEDINGS. — The conduct of adjudicatory proceedings for violations of this section is vested in the commission, provided:

(1) Before censuring any registrant, or suspending or revoking any registration, the commission shall notify the registrant in writing of any charges made at least twenty days before the hearing and shall afford the registrant an opportunity to be heard in person or by counsel; and

(2) Written notice shall be satisfied by personal service on the controlling person of the registrant, or the registrant's agent for service of process in this state, or by sending the notice by certified mail, return receipt requested to the controlling person of the registrant to the registrant's address on file with the commission.]

Approved July 12, 2012

HB 1105 [HB 1105]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows the Adjutant General to waive the maximum age requirement for a member of the state militia

AN ACT to repeal section 41.050, RSMo, and to enact in lieu thereof one new section relating to the state militia.

SECTION

- A. Enacting clause.
- 41.050. State militia, members.

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

SECTION A. ENACTING CLAUSE. — Section 41.050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 41.050, to read as follows:

41.050. STATE MILITIA, MEMBERS. — The militia of the state shall include all able-bodied citizens and all other able-bodied residents, who, in the case of the unorganized militia and the

Missouri reserve military force, shall be more than seventeen years of age and not more than sixty-four, and such other persons as may upon their own application be enrolled or commissioned therein, and who, in the case of the organized militia, shall be within the age limits and possess the physical and mental qualifications prescribed by law or regulations for the reserve components of the armed forces of the United States, except that this section shall not be construed to require militia service of any persons specifically exempted by the laws of the United States or the state of Missouri. **The maximum age requirement may be waived by the adjutant general on a case-by-case basis.**

Approved July 12, 2012

HB 1106 [SS HCS HB 1106]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding certain public officials

AN ACT to repeal sections 50.332, 52.010, 52.320, 54.033, 54.330, and 115.342, RSMo, and to enact in lieu thereof six new sections relating to certain public offices that have statutory bond requirements.

SECTION

- A. Enacting clause.
- 50.332. Certain counties may perform certain duties for municipalities, when — compensation for, paid how, to whom.
- 52.010. Election — term — residency — other requirements, except in charter counties.
- 52.320. Record-keeping duties — contracts for collection of municipal taxes, additional compensation (certain counties).
- 54.033. County treasurer vacancy caused by death, interim treasurer appointed, how.
- 54.330. Candidate requirements and bonds of collector-treasurers — bond requirements for deputies and assistants — vacancies.
- 115.342. Disqualification for delinquent taxes — affidavit, form — complaints, investigation, notice, payment of taxes.

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

SECTION A. ENACTING CLAUSE. — Sections 50.332, 52.010, 52.320, 54.033, 54.330, and 115.342, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 50.332, 52.010, 52.320, 54.033, 54.330, and 115.342, to read as follows:

50.332. CERTAIN COUNTIES MAY PERFORM CERTAIN DUTIES FOR MUNICIPALITIES, WHEN — COMPENSATION FOR, PAID HOW, TO WHOM. — [Each county officer] In all counties [except first class counties having a charter form of government] **of the first, second, third, and fourth classes, and in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, each county officer** may, subject to the approval of the governing body of the county, contract with the governing body of any municipality located within such county, either in whole or in part, to perform the same type of duties for such municipality as such county officer is performing for the county. Any compensation paid by a municipality for services rendered pursuant to this section shall be paid directly to the county, or county officer, or both, as provided in the provisions of the contract, and any compensation allowed any county officer under any such contract may be retained by such officer in addition to all other compensation provided by law.

52.010. ELECTION — TERM — RESIDENCY — OTHER REQUIREMENTS, EXCEPT IN CHARTER COUNTIES. — 1. At the general election in 1906, and every four years thereafter, a collector, to be styled the collector of the revenue, shall be elected in each of the counties of this state, except counties under township organization, who shall hold his **or her** office for four years and until his successor is duly elected and qualified. The collector shall [be a resident of] **reside in** the county from which such person [was] is elected **throughout his or her term in office.**

2. **Except in any county with a charter form of government, a candidate for the office of collector shall be at least twenty-one years of age and a resident of the state and the county in which he or she is a candidate for at least one year prior to the date of filing for such office. The candidate shall be a registered voter and current in the payment of all state income taxes and personal and real property taxes.**

52.320. RECORD-KEEPING DUTIES — CONTRACTS FOR COLLECTION OF MUNICIPAL TAXES, ADDITIONAL COMPENSATION (CERTAIN COUNTIES). — 1. The collector of revenue in counties using data processing systems of record keeping, except counties of the first class having a charter form of government, in addition to other duties provided by law, shall coordinate the purification of the tax data flows from the offices of the recorder, county clerk and assessor with that of the collector of revenue in cooperation with the data processing center handling such records.

2. In all counties of the first class not having a charter form of government **and in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants** the collector of revenue may enter into a contract with a city providing for the collection of municipal taxes by the collector. Any compensation paid by a city for services rendered pursuant to this section shall be paid directly to the county, or collector, or both, as provided in the contract, and all compensation, not to exceed three thousand dollars annually from all such contracts, allowed the collector under any such contract may be retained by the collector in addition to all other compensation provided by law.

54.033. COUNTY TREASURER VACANCY CAUSED BY DEATH, INTERIM TREASURER APPOINTED, HOW. — In the event of a vacancy caused by death, resignation, or otherwise, in the office of county treasurer in any county except a county **having a township form of government with an office of collector-treasurer and any county** with a charter form of government, the county commission shall appoint a deputy treasurer or a qualified person to serve as an interim treasurer until said treasurer returns or the unexpired term is filled under section 105.030. Such individual must be eligible to serve as a county treasurer under section 54.040, and must comply with section 54.090.

54.330. CANDIDATE REQUIREMENTS AND BONDS OF COLLECTOR-TREASURERS — BOND REQUIREMENTS FOR DEPUTIES AND ASSISTANTS — VACANCIES. — 1. **A candidate for county collector-treasurer shall be at least twenty-one years of age and a resident of the county in which he or she is a candidate for at least one year prior to the date of filing for the office. The candidate shall also be a registered voter and shall be current in the payment of all state income taxes and personal and real property taxes. A collector-treasurer shall reside in the county throughout his or her term in office and shall remain in office until a successor is duly elected and qualified.**

2. County collector-treasurers [in a county having township organization], shall be required to give bonds as other county collectors under the general revenue law, **and shall have the sole authority to appoint deputies as provided to other county collectors under section 52.300.**

[2.] 3. Before entering upon the duties for which they are employed, deputies and assistants employed in the office of any collector-treasurer shall give bond and security to the satisfaction

of the collector-treasurer. The bond for each individual deputy or assistant shall not exceed one-half of the amount of the maximum bond required for any collector-treasurer. The official bond required pursuant to this section shall be a surety bond with a surety company authorized to do business in this state. The premium of the bond shall be paid by the county or city being protected.

4. In the event of a vacancy caused by death, resignation, or otherwise, in the office of collector-treasurer, the county clerk shall follow the procedures in section 52.180 that apply when there is a vacancy in the office of collector in other counties.

115.342. DISQUALIFICATION FOR DELINQUENT TAXES — AFFIDAVIT, FORM — COMPLAINTS, INVESTIGATION, NOTICE, PAYMENT OF TAXES. — 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

"AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, 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, 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.

Approved July 10, 2012

HB 1108 [HCS HB 1108]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires telecommunications carriers and certain commercial mobile service providers to provide caller location information in certain emergency situations

AN ACT to amend chapter 392, RSMo, by adding thereto one new section relating to caller location information.

SECTION

A. Enacting clause.

392.415. Call location information to be provided in emergencies — immunity from liability, when.

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

SECTION A. ENACTING CLAUSE. — Chapter 392, RSMo, is amended by adding thereto one new section, to be known as section 392.415, to read as follows:

392.415. CALL LOCATION INFORMATION TO BE PROVIDED IN EMERGENCIES — IMMUNITY FROM LIABILITY, WHEN. — 1. Upon request, a telecommunications carrier or commercial mobile service provider as identified in 47 U.S.C. Section 332(d)(1) and 47 CFR Parts 22 or 24 shall provide call location information concerning the user of a telecommunications service or a wireless communications service, in an emergency situation to a law enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer, or user of such service, or to provide caller location information (or do a ping locate) in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to the emergency is required without delay.

2. No cause of action shall lie in any court of law against any telecommunications carrier or telecommunications service or commercial mobile service provider, or against any telecommunications service or wireless communications service, or its officers, employees, agents, or other specified persons, for providing any information, facilities, or assistance to a law enforcement official or agency in accordance with the terms of this section. Notwithstanding any other provision of law, nothing in this section prohibits a telecommunications carrier or commercial mobile service provider from establishing protocols by which such carrier or provider could voluntarily disclose call location information.

Approved July 6, 2012

HB 1112 [SCS HB 1112]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows an insurance company to issue life insurance policies outside of the United States under specified conditions as well as specified unemployment insurance and credit business insurance

AN ACT to repeal sections 376.010, 376.015, and 376.307, RSMo, and to enact in lieu thereof three new sections relating to life, health, and accident insurance.

SECTION

- A. Enacting clause.
- 376.010. Who may form company — purposes.
- 376.015. Involuntary unemployment insurance may be issued in connection with extension of credit or certain group life insurance, requirements.
- 376.307. Limits on acquisition of certain investments.

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

SECTION A. ENACTING CLAUSE. — Sections 376.010, 376.015, and 376.307, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 376.010, 376.015, and 376.307, to read as follows:

376.010. WHO MAY FORM COMPANY — PURPOSES. — Any number of persons, not less than thirteen, may associate and form a company for the purpose of making insurance upon the lives of individuals, and every assurance pertaining thereto or connected therewith (**including, for policies issued outside of the United States of America, insurance of non-life risks that are attached as riders to policies insuring the lives of individuals; provided that the aggregate premium assumed on an annual basis pursuant to such non-life risks does not exceed three percent of the capital and surplus of such company as of the thirty-first day of December of the preceding year**), and to grant, purchase and dispose of annuities and endowments of every kind and description whatsoever, and to provide an indemnity against death, and for weekly or other periodic indemnity for disability occasioned by accident or sickness to the person of the insured; but such accident and health insurance shall be made a separate department of the business of the life insurance company undertaking it.

376.015. INVOLUNTARY UNEMPLOYMENT INSURANCE MAY BE ISSUED IN CONNECTION WITH EXTENSION OF CREDIT OR CERTAIN GROUP LIFE INSURANCE, REQUIREMENTS. — Corporations doing the business specified in section 376.010 may also make insurance to provide a periodic indemnity for involuntary unemployment when such insurance is sold in connection with an extension of credit **or, to the extent such insurance is sold outside of the United States of America, group life insurance.** Any company making such insurance shall comply with the provisions of section 379.400 and the regulations promulgated pursuant thereto, and shall have, in addition to any other capital requirements for such company, a fully paid capital and surplus equal to the amount required in section 379.010. Involuntary unemployment insurance may be written on either an individual or a group basis, but in no event may group involuntary insurance coverage be offered to residents of a state other than Missouri unless the regulatory official governing insurance in such state has granted prior approval.

376.307. LIMITS ON ACQUISITION OF CERTAIN INVESTMENTS. — 1. Solely for the purpose of acquiring investments that exceed the quantitative limitations of sections 376.297 to 376.304, an insurer may acquire under this subsection an investment, or engage in investment practices described in section 376.303, but an insurer shall not acquire an investment, or engage in investment practices described in section 376.303, under this subsection if as a result of and after giving effect to the transaction:

- (1) The aggregate amount of investments then held by an insurer under this subsection would exceed three percent of its admitted assets; or
- (2) The aggregate amount of investments as to one limitation in sections 376.297 to 376.304 then held by the insurer under this subsection would exceed one percent of its admitted assets.

2. In addition to the authority provided in subsection 1 of this section, an insurer may acquire under this subsection an investment of any kind, or engage in investment practices described in section 376.303 that are not specifically prohibited by this chapter without regard to the categories, conditions, standards, or other limitations of sections 376.297 to 376.304, if as a result of and after giving effect to the transaction the aggregate amount of investments then held under this subsection would not exceed the lesser of:

- (1) Ten percent of its admitted assets; or
- (2) Seventy-five percent of its capital and surplus.

An insurer shall not acquire any investment, or engage in any investment practice under this subsection, if as a result of and after giving effect to the transaction the aggregate amount of all investments in any one person then held by the insurer under this subsection would exceed three percent of its admitted assets.

3. In addition to the investments acquired under subsections 1 and 2 of this section, an insurer may acquire under this subsection an investment of any kind, or engage in investment practices described in section 376.303 that are not specifically prohibited by this chapter without regard to any limitations of sections 376.297 to 376.304, if:

- (1) The director grants prior approval;
- (2) The insurer demonstrates that its investments are being made in a prudent manner and that the additional amounts will be invested in a prudent manner; and
- (3) As a result of and after giving effect to the transaction, the aggregate amount of investments then held by the insurer under this subsection does not exceed the greater of:
 - (a) Twenty-five percent of its capital and surplus; or
 - (b) One hundred percent of its capital and surplus less ten percent of its admitted assets.

4. Under this section, an insurer shall not acquire or engage in an investment practice prohibited under section 376.294 or **acquire or engage in** an investment that is a derivative transaction.

Approved July 6, 2012

HB 1128 [SS HB 1128]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Designates Vietnam Veterans Day and Veterans of Operation Iraq/ Enduring Freedom Day and authorizes the presentation of specified Missouri National Guard ribbons and an Order of the Minuteman Award

AN ACT to amend chapters 9 and 41, RSMo, by adding thereto five new sections relating to military honors.

SECTION

- A. Enacting clause.
- 9.085. Vietnam Veterans Day designated, when.
- 9.086. Veterans of Operation Iraq/Enduring Freedom Day designated, when.
- 41.595. Missouri national guard oversees training ribbon, eligibility.
- 41.596. Missouri national guard state partnership program ribbon, eligibility.
- 41.597. Order of the minuteman award, eligibility — limitation on number awarded.

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

SECTION A. ENACTING CLAUSE. — Chapters 9 and 41, RSMo, are amended by adding thereto five new sections, to be known as sections 9.085, 9.086, 41.595, 41.596, and 41.597, to read as follows:

9.085. VIETNAM VETERANS DAY DESIGNATED, WHEN. — In recognition of the courage and unwavering patriotism of those valiant men and women of the armed forces of the United States who served during the Vietnam Conflict, March thirtieth of each year shall be known and designated as "Vietnam Veterans Day" in Missouri. The citizens of the state of Missouri are encouraged to observe the day with appropriate events, activities, and remembrances in honor of the veterans who bravely fought, served, and sacrificed during the Vietnam Conflict and returned home to no parades, ceremonies, or public celebrations to welcome them in gratitude for their courageous service given and sacrifices made on behalf of our nation.

9.086. VETERANS OF OPERATION IRAQ/ENDURING FREEDOM DAY DESIGNATED, WHEN. — In recognition of the courage and unwavering patriotism of those valiant men and women of the armed forces of the United States who served in Operation Iraqi Freedom, Operation Enduring Freedom, Operation Desert Storm, and all future military operations within the Iraq and Afghanistan regions, March twenty-sixth of each year shall be known and designated as "Veterans of Operation Iraq/Enduring Freedom Day" in Missouri. The citizens of the state of Missouri are encouraged to observe the day with appropriate events, activities, and remembrances in honor of the veterans who bravely fought, served, and sacrificed during the military operations in Iraq and Afghanistan and in gratitude for their courageous service given and sacrifices made on behalf of our nation.

41.595. MISSOURI NATIONAL GUARD OVERSEES TRAINING RIBBON, ELIGIBILITY. — The adjutant general of Missouri is hereby authorized to present, in the name of the state of Missouri, a Missouri national guard overseas training ribbon, which shall be of suitable design, as may be determined by the governor, to individual members of the Missouri national guard who have participated for training, either with a unit or as an individual, outside of the continental United States border for ten or more cumulative days. The period of eligibility is on or after July 11, 1984, to a future date to be determined by the adjutant general of Missouri. For each additional award, the respective number will be fastened to the ribbon, starting with two.

41.596. MISSOURI NATIONAL GUARD STATE PARTNERSHIP PROGRAM RIBBON, ELIGIBILITY. — The adjutant general of Missouri is hereby authorized to present, in the name of the state of Missouri, a Missouri national guard state partnership program ribbon, which shall be of suitable design, as may be determined by the governor, to members of the Missouri national guard who have participated on a state partnership program mission, either with a unit or as an individual, to countries to which Missouri has a federally recognized partnership. The area of eligibility encompasses all land area of the country, the contiguous water area out to twelve nautical miles, and all air spaces above the land area and above the contiguous water area out to twelve nautical miles. The period of eligibility is on or after February 13, 1996, to a future date to be determined by the adjutant general of Missouri or the cessation of the state partnership program. Not more than one Missouri state partnership program ribbon shall be awarded or presented under the provisions of this section for succeeding participation in the same country. A bronze star shall be awarded for each additional country.

41.597. ORDER OF THE MINUTEMAN AWARD, ELIGIBILITY — LIMITATION ON NUMBER AWARDED. — The governor is hereby authorized, upon recommendation of the adjutant

general of Missouri, to present, in the name of the state of Missouri, the order of the minuteman award. The order of the minuteman award shall be awarded to those individuals, military or civilian, who have distinguished themselves by exceptionally meritorious services and achievements to the state of Missouri or the Missouri national guard and the office of the adjutant general. The order of the minuteman award shall consist of a medal, ribbon, lapel pin, and citation or plaque. The order of the minuteman award is the only state military decoration to be worn around the neck rather than pinned to a uniform. Not more than one order of the minuteman award shall be awarded or presented under the provisions of this section to any one person and no more than five order of the minuteman awards shall be issued in a calendar year. In the event of the death of any person who would be entitled to the order of the minuteman award, the same may be presented to the surviving primary next of kin. The order of the minuteman award, ribbon, lapel pin, certificate, and plaque shall be of such form and design as determined by the adjutant general of the state.

Approved July 6, 2012

HB 1131 [HB 1131]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires the date that services for remuneration were first performed by a newly hired employee to be included on his or her withholding form

AN ACT to repeal section 285.304, RSMo, and to enact in lieu thereof one new section relating to contents of a withholding form.

SECTION

- A. Enacting clause.
285.304. Content of withholding forms.

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

SECTION A. ENACTING CLAUSE. — Section 285.304, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 285.304, to read as follows:

285.304. CONTENT OF WITHHOLDING FORMS. — The content of the withholding form shall be determined by the director of the department of revenue, in consultation with the department of social services, but, at a minimum, the form shall include the name, address and Social Security number of the employee, **the date services for remuneration were first performed by the employee**, and the name and address of, and identifying number assigned to the employer under section 6109 of the Internal Revenue Code of 1986, as amended. If the employer chooses to submit a form other than the federal W-4 withholding form, the form shall also include the date the employee signed the W-4 form or the date the employer hired the employee as defined in section 285.300.

Approved July 5, 2012

HB 1135 [CCS SCS HB 1135]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires the termination of all administrative rules based on the time of promulgation and allows an agency to repromulgate a rule that is set to terminate

AN ACT to repeal sections 536.041 and 536.325, RSMo, and to enact in lieu thereof four new sections relating to administrative procedures and review.

SECTION

- A. Enacting clause.
- 536.032. Code of state regulations, secretary of state authorized to make nonsubstantive changes, when.
- 536.041. Any person may petition agency concerning rules, agency must furnish copy to committee on administrative rules and commissioner of administration together with its action — agency recommendations, procedure.
- 536.175. Periodic review required by state agencies, schedule, procedure.
- 536.325. Rules affecting small business, list provided by aboard to agencies — availability of list — testimony may be solicited.

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

SECTION A. ENACTING CLAUSE. — Sections 536.041 and 536.325, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 536.032, 536.041, 536.175, and 536.325, to read as follows:

536.032. CODE OF STATE REGULATIONS, SECRETARY OF STATE AUTHORIZED TO MAKE NONSUBSTANTIVE CHANGES, WHEN. — **Upon the filing of a request by a state agency with the joint committee on administrative rules and the secretary of state concurrently, and after publication in the Missouri Register, the secretary of state shall have the authority to make nonsubstantive changes to the code of state regulations to update changes in department or division name information in response to statutory changes or executive orders, or to changes in state agency addresses, state agency telephone numbers, email addresses, or state agency website addresses.**

536.041. ANY PERSON MAY PETITION AGENCY CONCERNING RULES, AGENCY MUST FURNISH COPY TO COMMITTEE ON ADMINISTRATIVE RULES AND COMMISSIONER OF ADMINISTRATION TOGETHER WITH ITS ACTION — AGENCY RECOMMENDATIONS, PROCEDURE. — Any person may **file a written** petition **with** an agency requesting the adoption, amendment or repeal of any rule. Any agency receiving such a petition or other request in writing to adopt, amend or repeal any rule shall forthwith furnish a copy thereof to the joint committee on administrative rules and to the commissioner of administration[, together with the action, if any, taken or contemplated by the agency as a result of such petition or request, and the agency's reasons therefor]. **Within sixty days after the receipt of the petition, the agency shall submit a written response to the petitioner and copies of the response, in electronic format, to the joint committee on administrative rules and to the commissioner of administration, containing its determination whether such rule should be adopted, continued without change, amended, or rescinded, together with a concise summary of the state agency's specific facts and findings with respect to the criteria set forth in subsection 4 of section 536.175. If the agency determines the rule merits adoption, amendment, or rescission, it shall initiate proceedings in accordance with the applicable requirements of this chapter. The joint committee may refer comments or recommendations concerning such rule to the general assembly for further action. Upon timely application, the joint committee on**

administrative rules may grant, upon good cause shown, an extension of time to answer a petition. A written petition submitted in accordance with this section shall constitute notice for purposes of subsection 9 of section 536.021.

536.175. PERIODIC REVIEW REQUIRED BY STATE AGENCIES, SCHEDULE, PROCEDURE.

— 1. Each state agency shall periodically review all of its rules according to the following review schedule:

(1) Rules contained in titles 1 through 6 of the code of state regulations shall begin the review process no later than July 1, 2015, and every five years thereafter;

(2) Rules contained in titles 7 through 10 of the code of state regulations shall begin the review process no later than July 1, 2016, and every five years thereafter;

(3) Rules contained in titles 11 through 14 of the code of state regulations shall begin the review process no later than July 1, 2017, and every five years thereafter;

(4) Rules contained in titles 15 through 19 of the code of state regulations shall begin the review process no later than July 1, 2018, and every five years thereafter; and

(5) Rules contained in titles 20 and higher of the code of state regulations shall begin the review process no later than July 1, 2019, and every five years thereafter.

2. The joint committee on administrative rules shall cause a notification of agency review to be published in the Missouri Register indicating rules being reviewed under this section and shall contain:

(1) Which titles of the code of state regulations will be under review;

(2) A notice that anyone may file comments concerning the rules being reviewed no later than sixty days after publication of the notice in the Missouri Register;

(3) A notice that all comments must identify the commenter, must specify the rule being commented upon, and must contain comments directly associated to that rule;

(4) A listing of agency designee assigned to receive comments on rules under review;

3. State agencies shall provide the joint committee on administrative rules contact information for the agency designee assigned to receive comments under subsection 2 of this section.

4. Each agency with rules being reviewed, shall prepare a report containing the results of its periodic rule review. The report shall consider and include the following:

(1) Whether the rule continues to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;

(2) Whether the rule is obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule;

(3) Whether the rule overlaps, duplicates, or conflicts with other state rules, and to the extent feasible, with federal and local governmental rules;

(4) Whether a less restrictive, more narrowly tailored, or alternative rule could adequately protect the public or accomplish the same statutory purpose;

(5) Whether the rule needs amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork;

(6) Whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference meets the requirements of section 536.031;

(7) For rules that affect small business, the specific public purpose or interest for adopting the rules and any other reasons to justify its continued existence; and

(8) The nature of the comments received by the agency under subsection 2 of this section, a summary of which shall be attached to the report as an appendix and shall include the agency's responses thereto.

5. Each agency with rules subject to review shall cause their report to be filed electronically with the joint committee on administrative rules and the small business

regulatory fairness board no later than June thirtieth of the year after publication of agency review in the Missouri Register under subsection 2 of this section. The reports shall also be made available on the state agency's website. If the state agency fails to file the report as required by this section for any rule and has not received an extension for good cause from the joint committee on administrative rules, the joint committee on administrative rules shall notify the secretary of state to publish a notice as soon as practicable in the Missouri Register as to which rules the delinquency exists. The rule shall be void and of no further effect after the first sixty legislative days of the next regular session of the general assembly unless the state agency corrects the delinquency by providing the required review within ninety days after publication. Upon determination that the agency has complied with the requirements of this section regarding any delinquency that resulted in notice being published, the joint committee on administrative rules shall notify the secretary of state to remove the rule from the notice of rules scheduled to become null and void.

536.325. RULES AFFECTING SMALL BUSINESS, LIST PROVIDED BY ABOARD TO AGENCIES — AVAILABILITY OF LIST — TESTIMONY MAY BE SOLICITED. — 1. [Each agency with rules that affect small business shall submit by June thirteenth of each odd-numbered year a list of such rules to the general assembly and the board. The agency shall also submit a report describing the specific public purpose or interest for adopting the respective rules and any other reasons to justify its continued existence. The general assembly may subsequently take such action in response to the report as it finds appropriate.

2.] The board shall provide to the head of each agency a list of any rules adopted by the agency that affect small business and have generated complaints or concerns, including any rules that the board determines may duplicate, overlap, or conflict with other rules or exceed statutory authority. Within forty-five days after being notified by the board the list of rules adopted, the agency shall submit a written report to the board in response to the complaints or concerns. The agency shall also state whether the agency has considered the continued need for the rules and the degree to which technology, economic conditions, and other relevant factors may have diminished or eliminated the need for maintaining the rules.

[3.] **2.** The board may solicit testimony from the public at a public meeting regarding any report submitted by the agency under this section **or section 536.175**. The board shall **electronically** submit an evaluation report to the governor and the general assembly regarding small business comments, agency response, and public testimony on rules in this section **and the report shall be maintained on the board's website**. The governor and the general assembly may take such action in response to the report as they find appropriate.

Approved July 13, 2012

HB 1141 [HB 1141]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the "Don't Tread on Me" special license plate

AN ACT to repeal section 301.3163, RSMo, and to enact in lieu thereof one new section relating to the Don't Tread on Me license plate.

SECTION

- A. Enacting clause.
301.3163. Don't Tread on Me specialty personalized license plate authorized.
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Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 301.3163, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.3163, to read as follows:

301.3163. DON'T TREAD ON ME SPECIALTY PERSONALIZED LICENSE PLATE AUTHORIZED. — Any person may apply for [special] **specialty personalized** "Don't Tread on Me" motor vehicle license plates for any vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Such person shall make application for the [special] **specialty personalized** license plates on a form provided by the director of revenue. The director shall then issue **specialty personalized** license plates bearing letters or numbers or a combination thereof as determined by the [advisory committee established in section 301.129] **director**, with the words "DON'T TREAD ON ME" [in place of the words "SHOW-ME STATE"] **centered on the bottom one-fourth of the plate, in bold, all capital letters, and with lettering identical to the lettering used for the word "MISSOURI" on the regular state license plate.** Such words shall be no smaller than forty-eight point type. Such plates shall be tiger yellow beginning at the top and bottom, with the color fading into white in the center. All numbers and letters shall be black. The left side shall contain a reproduction of the "Gadsen Snake" in black and white, with the snake to be three inches in height and two inches wide, and sitting on green grass that is two and one-quarter inches wide. Upon payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized plate. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

Approved July 6, 2012

HB 1150 [SS SCS HCS HB 1150]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding salvage motor vehicle titles, scrap metal operators, and statutory liens

AN ACT to repeal sections 301.190, 301.193, 301.227, 301.600, 306.400, 430.020 and 430.082, RSMo, and to enact in lieu thereof seven new sections relating to the issuance of certificate of titles for motor vehicles.

SECTION

- A. Enacting clause.
- 301.190. Certificate of ownership — application, contents — special requirements, certain vehicles — fees — failure to obtain within time limit, delinquency penalty — duration of certificate — unlawful to operate without certificate — certain vehicles brought into state in a wrecked or damaged condition or after being towed, inspection — certain vehicles previously registered in other states, designation — reconstructed motor vehicles, procedure.
- 301.193. Abandoned property, titling of, privately owned real estate, procedure — inability to obtain negotiable title, salvage or junking certificate authorized.
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- 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.
- 301.600. Liens and encumbrances, how perfected — effect of on vehicles and trailers brought into state — security procedures for verifying electronic notices.
- 306.400. Liens and encumbrances — valid, perfected, when, how, future advances — boats and motors subject to, when, how determined — revenue to establish security procedure, electronic notices, rulemaking authority.
- 430.020. Liens for storage, materials and labor on vehicles or aircraft — nonpossessory liens on aircraft for labor and material, procedure — failure to file with aircraft registry, purchaser prevails.
- 430.082. Motor vehicles, trailers, vessels, outboard motors, aircraft liens for labor, material or storage, when — nonpossessory lien on aircraft, procedure — lien title obtained, when, procedure — sale of chattel, when — distribution of proceeds.

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

SECTION A. ENACTING CLAUSE. — Sections 301.190, 301.193, 301.227, 301.600, 306.400, 430.020 and 430.082, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 301.190, 301.193, 301.227, 301.600, 306.400, 430.020 and 430.082, to read as follows:

301.190. CERTIFICATE OF OWNERSHIP — APPLICATION, CONTENTS — SPECIAL REQUIREMENTS, CERTAIN VEHICLES — FEES — FAILURE TO OBTAIN WITHIN TIME LIMIT, DELINQUENCY PENALTY — DURATION OF CERTIFICATE — UNLAWFUL TO OPERATE WITHOUT CERTIFICATE — CERTAIN VEHICLES BROUGHT INTO STATE IN A WRECKED OR DAMAGED CONDITION OR AFTER BEING TOWED, INSPECTION — CERTAIN VEHICLES PREVIOUSLY REGISTERED IN OTHER STATES, DESIGNATION — RECONSTRUCTED MOTOR VEHICLES, PROCEDURE. — 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536

indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable

to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. **Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle, shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination.** The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or

should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles. The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

301.193. ABANDONED PROPERTY, TITLING OF, PRIVATELY OWNED REAL ESTATE, PROCEDURE — INABILITY TO OBTAIN NEGOTIABLE TITLE, SALVAGE OR JUNKING CERTIFICATE AUTHORIZED. — 1. Any person who purchases or is the owner of real property on which vehicles, as defined in section [301.011] **301.010**, vessels or watercraft, as defined in section 306.010, or outboard motors, as that term is used in section 306.530, have been abandoned, without the consent of said purchaser or owner of the real property, may apply to the department of revenue for a certificate of title. Any insurer which purchases a vehicle through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make an application to the department of revenue for a salvage certificate of title pursuant to this section. Prior to making application for a certificate of title on a vehicle under this section, the insurer or owner of the real estate shall have the vehicle inspected by law enforcement pursuant to subsection 9 of section 301.190, and shall have law enforcement perform a check in the national crime information center and any appropriate statewide law enforcement computer to determine if the vehicle has been reported stolen and the name and address of the person to whom the vehicle was last titled and any lienholders of record. The insurer or owner or purchaser of the real estate shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle by certified mail that the owner intends to apply for a certificate of title from the director for the abandoned vehicle. The application for title shall be accompanied by:

(1) A statement explaining the circumstances by which the property came into the insurer, owner or purchaser's possession; a description of the property including the year, make, model,

vehicle identification number and any decal or license plate that may be affixed to the vehicle; the current location of the property; and the retail value of the property;

(2) An inspection report of the property, if it is a vehicle, by a law enforcement agency pursuant to subsection 9 of section 301.190; and

(3) A copy of the thirty-day notice and certified mail receipt mailed to any owner and any person holding a valid security interest of record.

2. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the latest owner or lienholder was not notified the director shall inform the insurer, owner, or purchaser of the real estate of the latest owner and lienholder information so that notice may be given as required by subsection 1 of this section. Any owner or lienholder receiving notification may protest the issuance of title by, within the thirty-day notice period and may file a petition to recover the vehicle, naming the insurer or owner of the real estate and serving a copy of the petition on the director of revenue. The director shall not be a party to such petition but shall, upon receipt of the petition, suspend the processing of any further certificate of title until the rights of all parties to the vehicle are determined by the court. Once all requirements are satisfied the director shall issue one of the following:

(1) An original certificate of title if the vehicle examination certificate, as provided in section 301.190, indicates that the vehicle was not previously in a salvaged condition or rebuilt;

(2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190 indicates the vehicle was previously in a salvaged condition or rebuilt;

(3) A salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the property as stated in the inspection report. An insurer purchasing a vehicle through the claims adjustment process under this section shall only be eligible to obtain a salvage certificate of title or junking certificate.

3. Any insurer which purchases a vehicle that is currently titled in Missouri through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make application to the department of revenue for a salvage certificate of title or junking certificate. Such application may be made by the insurer or its designated salvage pool on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least two written attempts to obtain the certificate of title, transfer documents, or other acceptable evidence of title, and be accompanied by proof of claims payment from the insurer, evidence that letters were delivered to the vehicle owner, a statement explaining the circumstances by which the property came into the insurer's possession, a description of the property including the year, make, model, vehicle identification number, and current location of the property, and the fee prescribed in subsection 5 of section 301.190. The insurer shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle that the insurer intends to apply for a certificate of title from the director for the vehicle. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue to verify the name and address of any owners and any lienholders. After thirty days from receipt of the application, if no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the insurer.

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 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 certificate may be granted within thirty days of the submission of a request.

3. Upon receipt of a properly completed application for a junking certificate, the director of revenue shall issue to the applicant a junking certificate which shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap or junk, and a certificate of title shall not again be issued for such vehicle; except that, the initial purchaser shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of title or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to subdivision (51) of section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by

the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of title, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of titles for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title 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.

301.600. LIENS AND ENCUMBRANCES, HOW PERFECTED — EFFECT OF ON VEHICLES AND TRAILERS BROUGHT INTO STATE — SECURITY PROCEDURES FOR VERIFYING ELECTRONIC NOTICES. — 1. Unless excepted by section 301.650, a lien or encumbrance on a motor vehicle or trailer, as defined by section 301.010, is not valid against subsequent transferees or lienholders of the motor vehicle or trailer who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 301.600 to 301.660.

2. Subject to the provisions of section 301.620, a lien or encumbrance on a motor vehicle or trailer is perfected by the delivery to the director of revenue of a notice of a lien in a format as prescribed by the director of revenue. The notice of lien is perfected as of the time of its creation if the delivery of such notice to the director of revenue is completed within thirty days

thereafter, otherwise as of the time of the delivery. A notice of lien shall contain the name and address of the owner of the motor vehicle or trailer and the secured party, a description of the motor vehicle or trailer, including the vehicle identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Provided the lienholder submits complete and legible documents, the director of revenue shall mail confirmation or electronically confirm receipt of such notice of lien to the lienholder as soon as possible, but no later than fifteen business days after the filing of the notice of lien.

3. Notwithstanding the provisions of section 301.620, on a refinance **by a different lender** of a **prior** loan secured by a motor vehicle or trailer a lien is perfected by the delivery to the director of revenue of a notice of lien completed by the refinancing lender in a format prescribed by the director of revenue.

4. To perfect a subordinate lien, the notice of lien must be accompanied by the documents required to be delivered to the director pursuant to subdivision (3) of section 301.620.

5. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" on the notice of lien and noted on the certificate of ownership if the motor vehicle or trailer is subject to only one notice of lien. To secure future advances when an existing lien on a motor vehicle or trailer does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows: proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is received for by the department of revenue, and returned to the lienholder.

6. If a motor vehicle or trailer is subject to a lien or encumbrance when brought into this state, the validity and effect of the lien or encumbrance is determined by the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrance attached that the motor vehicle or trailer would be kept in this state and it was brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state is determined by the law of this state;

(2) If the lien or encumbrance was perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state three months after a first certificate of ownership of the motor vehicle or trailer is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period; in that case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, it may be perfected in this state; in that case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection either as provided in subsection 2 or 4 of this section or by

the lienholder delivering to the director of revenue a notice of lien or encumbrance in the form the director of revenue prescribes and the required fee.

7. By rules and regulations, the director of revenue shall establish a security procedure for the purpose of verifying that an electronic notice of lien or notice of satisfaction of a lien on a motor vehicle or trailer given as permitted in sections 301.600 to 301.640 is that of the lienholder, verifying that an electronic notice of confirmation of ownership and perfection of a lien given as required in section 301.610 is that of the director of revenue, and detecting error in the transmission or the content of any such notice. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself be a security procedure.

306.400. LIENS AND ENCUMBRANCES — VALID, PERFECTED, WHEN, HOW, FUTURE ADVANCES — BOATS AND MOTORS SUBJECT TO, WHEN, HOW DETERMINED — REVENUE TO ESTABLISH SECURITY PROCEDURE, ELECTRONIC NOTICES, RULEMAKING AUTHORITY. — 1. As used in sections 306.400 to 306.440, the terms motorboat, vessel, and watercraft shall have the same meanings given them in section 306.010, and the term outboard motor shall include outboard motors governed by section 306.530.

2. Unless excepted by section 306.425, a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft shall not be valid against subsequent transferees or lienholders of the outboard motor, motorboat, vessel or watercraft, who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 306.400 to 306.430.

3. A lien or encumbrance on an outboard motor, motorboat, vessel or watercraft is perfected by the delivery to the director of revenue of a notice of lien in a format as prescribed by the director. Such lien or encumbrance shall be perfected as of the time of its creation if the delivery of the items required in this subsection to the director of revenue is completed within thirty days thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the delivery. A notice of lien shall contain the name and address of the owner of the outboard motor, motorboat, vessel or watercraft and the secured party, a description of the outboard motor, motorboat, vessel or watercraft motor, including any identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Provided the lienholder submits complete and legible documents, the director of revenue shall mail confirmation or electronically confirm receipt of each notice of lien to the lienholder as soon as possible, but no later than fifteen business days after the filing of the notice of lien.

4. Notwithstanding the provisions of section 306.410, on a refinance **by a different lender** of a **prior** loan secured by an outboard motor, motorboat, vessel or watercraft, a lien is perfected by the delivery to the director of revenue of a notice of lien completed by the refinancing lender in a format prescribed by the director of revenue.

5. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" in the second lienholder's portion of the notice of lien. To secure future advances when an existing lien on an outboard motor, motorboat, vessel or watercraft does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows. Proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of

lien reflects such lien for future advances, is receipted for by the department of revenue, and returned to the lienholder.

6. Whether an outboard motor, motorboat, vessel, or watercraft is subject to a lien or encumbrance shall be determined by the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrances attached that the outboard motor, motorboat, vessel, or watercraft would be kept in this state and it is brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state shall be determined by the laws of this state;

(2) If the lien or encumbrance was perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, his or her lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by the jurisdiction, the lien or encumbrance continues perfected in this state for three months after the first certificate of title of the outboard motor, motorboat, vessel, or watercraft is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period, in which case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, it may be perfected in this state, in which case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection in the same manner as provided in subsection 3 of this section.

7. The director of revenue shall by rules and regulations establish a security procedure to verify that an electronic notice of lien or notice of satisfaction of a lien on an outboard motor, motorboat, vessel or watercraft given pursuant to sections 306.400 to 306.440 is that of the lienholder, to verify that an electronic notice of confirmation of ownership and perfection of a lien given pursuant to section 306.410 is that of the director of revenue and to detect error in the transmission or the content of any such notice. Such a security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself constitute a security procedure.

430.020. LIENS FOR STORAGE, MATERIALS AND LABOR ON VEHICLES OR AIRCRAFT — NONPOSSESSORY LIENS ON AIRCRAFT FOR LABOR AND MATERIAL, PROCEDURE — FAILURE TO FILE WITH AIRCRAFT REGISTRY, PURCHASER PREVAILS. — Every person who shall keep or store any vehicle[,] or part or equipment thereof, shall, for the amount due therefor, have a lien; and every person who furnishes labor or material on any vehicle [or aircraft,] or part or equipment thereof, who shall obtain a written memorandum of the work or material furnished, or to be furnished, signed by the owner of the vehicle [or aircraft], or part or equipment thereof, **and every person who furnishes labor or material on any aircraft or part or equipment thereof, who shall obtain a written memorandum of the work or material furnished, or to be furnished, signed by the owner, authorized agent of the owner, or person in lawful possession of the aircraft or part or equipment thereof,** shall have a lien for the amount of such work or material as is ordered or stated in such written memorandum. Such liens shall be on the vehicle or aircraft, or part or equipment thereof, as shall be kept or stored, or be placed in the possession of the person furnishing the labor or material; provided, however, the person

furnishing the labor or material **on the aircraft or part or equipment thereof**, may retain the lien after surrendering possession of the aircraft or part or equipment thereof by filing a statement in the office of the county recorder of the county where the owner of the aircraft or part or equipment thereof resides, if known to the claimant, and in the office of the county recorder of the county where the labor or material was furnished. Such statement shall be filed within [thirty] **one hundred eighty** days after surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's name and address, the items on account, the name of the owner and a description of the property, and shall not bind a bona fide purchaser unless said lien has also been filed with the Federal Aviation Administration Aircraft Registry.

430.082. MOTOR VEHICLES, TRAILERS, VESSELS, OUTBOARD MOTORS, AIRCRAFT LIENS FOR LABOR, MATERIAL OR STORAGE, WHEN — NONPOSSESSORY LIEN ON AIRCRAFT, PROCEDURE — LIEN TITLE OBTAINED, WHEN, PROCEDURE — SALE OF CHATTEL, WHEN — DISTRIBUTION OF PROCEEDS. — 1. Every person expending labor, services, skill or material upon any motor vehicle or trailer, as defined in chapter 301, vessel, as defined in chapter 306, outboard motor [or] , **or aircraft, or part or equipment of an aircraft**, at a written request of its owner, authorized agent of the owner, or person in lawful possession thereof, or who provides storage for a motor vehicle, trailer, outboard motor or vessel, at the written request of its owner, authorized agent of the owner, or person in lawful possession thereof, or at the written request of a peace officer in lieu of the owner or owner's agent, where such owner or agent is not available to request storage thereof, shall, where the maximum amount to be charged for labor, services, skill or material has been stated as part of the written request or the daily charge for storage has been stated as part of the written request, have a lien upon the chattel beginning upon the date of commencement of the expenditure of labor, services, skill, materials or storage for the actual value of all the expenditure of labor, services, skill, materials or storage until the possession of that chattel is voluntarily relinquished to the owner, authorized agent, or one entitled to possession thereof. The person furnishing labor, services, skill or material **upon an aircraft or part or equipment thereof**, may retain the lien after surrendering possession of the aircraft or part or equipment thereof, by filing a statement in the office of the county recorder of the county where the owner of the aircraft or part or equipment thereof, resides, if known to the claimant, and in the office of the county recorder of the county where the claimant performed the services. Such statement shall be filed within [thirty] **one hundred eighty** days after surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's name and address, the items on account, the name of the owner and a description of the property, and shall not bind a bona fide purchaser unless the lien has also been filed with the Federal Aviation Administration Aircraft Registry.

2. If the chattel is not redeemed within forty-five days of the completion of the requested labor, services, skill or material, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title.

3. If the charges are for storage or the service of towing the motor vehicle, trailer, outboard motor or vessel, and the chattel has not been redeemed within forty-five days after the charges for storage commenced, the lienholder shall notify by certified mail, postage prepaid, the owner and any lienholders of record other than the person making the notification, at the person's last known address that application for a lien title will be made unless the owner or lienholder within thirty days makes satisfactory arrangements with the person holding the chattel for payment of storage or service towing charges, if any, or makes satisfactory arrangements with the lienholder for paying such charges or for continued storage of the chattel if desired. Thirty days after the notification has been mailed and the chattel is unredeemed, or the notice has been returned marked "not forwardable" or "addressee unknown", and no satisfactory arrangement has been made with the lienholder for payment or continued storage, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title as provided in this section.

4. The application shall be accompanied by:

(1) The original or a conformed or photostatic copy of the written request of the owner or the owner's agent or of a peace officer with the maximum amount to be charged stated therein;

(2) An affidavit from the lienholder that written notice was provided to all owners and lienholders of the applicants' intent to apply for a certificate of ownership and the owner has defaulted on payment of labor, services, skill or material and that payment is forty-five days past due, or that owner has defaulted on payment or has failed to make satisfactory arrangements for continued storage of the chattel for thirty days since notification of intent to make application for a certificate of ownership or certificate of title. The affidavit shall be accompanied by a copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and lienholder of record was sent a notice as required in this section;

(3) A statement of the actual value of the expenditure of labor, services, skill or material, or the amount of storage due on the date of application for a certificate of ownership or certificate of title, and the amount which is unpaid; and

(4) A fee of ten dollars.

5. If the director is satisfied with the genuineness of the application, proof of lienholder notification in the form of a certified mail receipt, and supporting documents, and if no lienholder or the owner has redeemed the chattel or no satisfactory arrangement has been made concerning payment or continuation of storage, and if no owner or lienholder has informed the director that the owner or lienholder demands a hearing as provided in this section, the director shall issue, in the same manner as a repossessed title is issued, a certificate of ownership or certificate of title to the applicant which shall clearly be captioned "Lien Title".

6. Upon receipt of a lien title, the holder shall within ten days begin proceedings to sell the chattel as prescribed in section 430.100.

7. The provisions of section 430.110 shall apply to the disposition of proceeds, and the lienholder shall also be entitled to any actual and necessary expenses incurred in obtaining the lien title, including, but not limited to, court costs and reasonable attorney's fees.

Approved July 10, 2012

HB 1171 [HCS HB 1171]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the age when the juvenile court will have jurisdiction over a child involving a state or local traffic violation and authorizes Franklin County to prosecute county order violations

AN ACT to repeal sections 67.320 and 211.031, RSMo, and to enact in lieu thereof two new sections relating to courts.

SECTION

A. Enacting clause.

67.320. County orders, violations may be brought in circuit court, when — county municipal court to be approved, appointment of judges, procedures (Jefferson and Franklin counties).

211.031. Juvenile court to have exclusive jurisdiction, when — exceptions — home schooling, attendance violations, how treated.

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

SECTION A. ENACTING CLAUSE. — Sections 67.320 and 211.031, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 67.320 and 211.031, to read as follows:

67.320. COUNTY ORDERS, VIOLATIONS MAY BE BROUGHT IN CIRCUIT COURT, WHEN — COUNTY MUNICIPAL COURT TO BE APPROVED, APPOINTMENT OF JUDGES, PROCEDURES (JEFFERSON AND FRANKLIN COUNTIES). — 1. Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants **or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants** may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. **Except as provided in subsection 5 of this section** in any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with the term order for purposes of this section.

5. In any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants the first judges shall be appointed by the county commission for a term of four years, and thereafter the judges shall be elected for a term of four years. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

211.031. JUVENILE COURT TO HAVE EXCLUSIVE JURISDICTION, WHEN — EXCEPTIONS — HOME SCHOOLING, ATTENDANCE VIOLATIONS, HOW TREATED. — 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; or

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130;

(d) The child or person seventeen years of age is a child in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child or person seventeen years of age to the guardianship of the department of social services as provided by law; and

(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than seventeen years of age.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person seventeen years of age who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child or person seventeen years of age may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person seventeen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of

a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child or person seventeen years of age under the supervision of another juvenile court within or without the state pursuant to section 210.570 with the consent of the receiving court;

(5) Upon motion of any child or person seventeen years of age or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court Rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or person seventeen years of age, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age, the juvenile court of the county of the child's residence or the residence of a person seventeen years of age shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031 involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031 before making a report of such a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides.

5. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care or for the removal of custody of a child from the parent without a specific showing that there is a causal relation between the disability or disease and harm to the child.

Approved July 9, 2012

HB 1172 [HB 1172]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the Residential Treatment Agency Tax Credit Program and establishes the Developmental Disability Care Provider Tax Credit Program

AN ACT to repeal section 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits for certain contributions.

SECTION

- A. Enacting clause.
- 135.1150. Citation of law — definitions — tax credit, amount — claim application — limitation — transferability of credit — rulemaking authority — expiration and termination dates.
- 135.1180. Citation of law — definitions — tax credit, amount, procedure — rulemaking authority — sunset provision.
-

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

SECTION A. ENACTING CLAUSE. — Section 135.1150, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 135.1150 and 135.1180, to read as follows:

135.1150. CITATION OF LAW — DEFINITIONS — TAX CREDIT, AMOUNT — CLAIM APPLICATION — LIMITATION — TRANSFERABILITY OF CREDIT — RULEMAKING AUTHORITY — EXPIRATION AND TERMINATION DATES. — 1. This section shall be known and may be cited as the "Residential Treatment Agency Tax Credit Act".

2. As used in this section, the following terms mean:

(1) "Certificate", a tax credit certificate issued under this section;

(2) "Department", the Missouri department of social services;

(3) "Eligible donation", donations received from a taxpayer by an agency that are used solely to provide direct care services to children who are residents of this state. Eligible donations may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department of social services. For purposes of this section, "direct care services" include but are not limited to increasing the quality of care and service for children through improved employee compensation and training;

(4) "Qualified residential treatment agency" or "agency", a residential care facility that is licensed under section 210.484, accredited by the Council on Accreditation (COA), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or the Commission on Accreditation of Rehabilitation Facilities (CARF), and is under contract with the Missouri department of social services to provide treatment services for children who are residents or wards of residents of this state, and that receives eligible donations. Any agency that operates more than one facility or at more than one location shall be eligible for the tax credit under this section only for any eligible donation made to facilities or locations of the agency which are licensed and accredited;

(5) "Taxpayer", any of the following individuals or entities who make an eligible donation to an agency:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(e) An individual subject to the state income tax imposed in chapter 143;

(f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

3. For all taxable years beginning on or after January 1, 2007, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 147, 148, or 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. To claim the credit authorized in this section, an agency may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the agency has submitted the following items accurately and completely:

- (1) A valid application in the form and format required by the department;
 - (2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received by the agency; and
 - (3) Payment from the agency equal to the value of the tax credit for which application is made. If the agency applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.
5. An agency may apply for tax credits in an aggregate amount that does not exceed [forty percent of] the payments made by the department to the agency in the preceding twelve months.
6. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit.
7. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.
8. Under section 23.253 of the Missouri sunset act:
- (1) [The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2006, 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] **expire on December 31, 2015; and**
 - [3] (2) 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] **1, 2016.**

135.1180. CITATION OF LAW — DEFINITIONS — TAX CREDIT, AMOUNT, PROCEDURE — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. This section shall be known and may be cited as the "Developmental Disability Care Provider Tax Credit Program".

2. As used in this section, the following terms mean:

- (1) "Certificate", a tax credit certificate issued under this section;
- (2) "Department", the Missouri department of social services;
- (3) "Eligible donation", donations received, by a provider, from a taxpayer that are used solely to provide direct care services to persons with developmental disabilities who are residents of this state. Eligible donations may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department of social services. For purposes of this section, "direct care services" include, but are not limited to, increasing the quality of care and service for persons with developmental disabilities through improved employee compensation and training;
- (4) "Qualified developmental disability care provider" or "provider", a care provider that provides assistance to persons with developmental disabilities, and is accredited by the Council on Accreditation (COA), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or the Commission on Accreditation of Rehabilitation Facilities (CARF), or is under contract with the Missouri department of social services or department of mental health to provide treatment services for such

persons, and that receives eligible donations. Any provider that operates more than one facility or at more than one location shall be eligible for the tax credit under this section only for any eligible donation made to facilities or locations of the provider which are licensed or accredited;

(5) "Taxpayer", any of the following individuals or entities who make an eligible donation to a provider:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(e) An individual subject to the state income tax imposed in chapter 143;

(f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

3. For all taxable years beginning on or after January 1, 2012, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148 excluding withholding tax imposed by sections 143.191 to 143.265 in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. To claim the credit authorized in this section, a provider may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the provider has submitted the following items accurately and completely:

(1) A valid application in the form and format required by the department;

(2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received by the provider; and

(3) Payment from the provider equal to the value of the tax credit for which application is made. If the provider applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

5. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit.

6. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of

rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2016, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Approved June 25, 2012

HB 1179 [HB 1179]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Prohibits a large water user from conveying water withdrawn or diverted from the Southeast Missouri Regional Water District to a location outside the district if it interferes with another major user

AN ACT to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

SECTION

- A. Enacting clause.
- 256.400. Definitions.
- 256.433. Southeast Missouri regional water district, limitation on withdrawal or diversion by major water users.

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

SECTION A. ENACTING CLAUSE. — Section 256.400, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 256.400 and 256.433, to read as follows:

256.400. DEFINITIONS. — As used in sections 71.287 and 256.400 to [256.430] **256.433**, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Department", the department of natural resources;
- (2) "Director", the director of the department of natural resources;
- (3) "Division", the division of geology and land survey of the department of natural resources;
- (4) "Major water user", any person, firm, corporation or the state of Missouri, its agencies or corporations and any other political subdivision of this state, their agencies or corporations, with a water source and equipment necessary to withdraw or divert one hundred thousand gallons or more per day from any stream, river, lake, well, spring or other water source;
- (5) "State geologist", the director of the division of geology and land survey of the department of natural resources;
- (6) "Water source", any stream, river, lake, well, spring or other water source.

256.433. SOUTHEAST MISSOURI REGIONAL WATER DISTRICT, LIMITATION ON WITHDRAWAL OR DIVERSION BY MAJOR WATER USERS. — **Notwithstanding any provision**

of law to the contrary, no major water user shall convey water withdrawn or diverted from within the Southeast Missouri Regional Water District created under section 256.643 when such withdrawal or diversion and subsequent conveyance to a location outside such district unduly interferes with the reasonable and customary activities of a major water user registered under section 256.410 located within such district. If such conveyance occurs, the attorney general or the party or parties affected may file an action for an injunction, however, in no case shall an injunction be issued if the injunction would be detrimental to public health or safety.

Approved June 18, 2012

HB 1188 [HB 1188]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows a school nurse or other trained employee to administer asthma-related rescue medication to a student experiencing an asthma attack

AN ACT to amend chapter 167, RSMo, by adding thereto one new section relating to the administration of asthma related rescue medication by school nurses.

SECTION

A. Enacting clause.

167.635. Asthma related rescue medications, school nurse may be authorized by school board to maintain, procedure.

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

SECTION A. ENACTING CLAUSE. — Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.635, to read as follows:

167.635. ASTHMA RELATED RESCUE MEDICATIONS, SCHOOL NURSE MAY BE AUTHORIZED BY SCHOOL BOARD TO MAINTAIN, PROCEDURE. — 1. Each school board may authorize a school nurse licensed under chapter 335 who is employed by the school district and for whom the board is responsible to maintain a supply of asthma related rescue medications at the school. The nurse shall recommend to the school board the quantity of medication the school should maintain.

2. To obtain asthma rescue medications for a school district, a prescription written by a licensed physician, a physician's assistant, or nurse practitioner is required. For such prescriptions, the school district shall be designated as the patient, the nurse's name shall be required, and the prescription shall be filled at a licensed pharmacy.

3. A school nurse or other school employee trained by and supervised by the nurse shall have the discretion to use asthma related rescue medications on any student the school nurse or trained employee believes is having a life-threatening asthma episode based on the training in recognizing an acute asthma episode. The provisions of section 167.624 concerning immunity from civil liability for trained employees administering lifesaving methods shall apply to trained employees administering an asthma related rescue medication under this section.

Approved July 5, 2012

HB 1231 [HB 1231]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires the Commissioner of the Office of Administration or other state purchasing agent to give a preference for forest products and bricks produced in Missouri whenever bids are comparable

AN ACT to repeal section 34.070, RSMo, and to enact in lieu thereof one new section relating to state purchasing.

SECTION

A. Enacting clause.

34.070. Preference to Missouri products and firms.

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

SECTION A. ENACTING CLAUSE. — Section 34.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 34.070, to read as follows:

34.070. PREFERENCE TO MISSOURI PRODUCTS AND FIRMS. — In making purchases, the commissioner of administration or any agent of the state with purchasing power shall give preference to all commodities and tangible personal property manufactured, mined, produced, processed, or grown within the state of Missouri, to all new generation processing entities defined in section 348.432, except new generation processing entities that own or operate a renewable fuel production facility or that produce renewable fuel, and to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, when quality is equal or better and delivered price is the same or less. The commissioner of administration or any agent of the state with purchasing power may also give such preference whenever competing bids, in their entirety, are comparable. For purposes of this section, "commodities" shall include **forest products and bricks or** any agricultural product that has been processed or otherwise had value added to it in this state.

Approved July 10, 2012

HB 1236 [HB 1236]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the Fair Ballot Access Act by repealing the provision which requires a petition to form a new political party to contain the name of a resident of each Congressional district

AN ACT to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to third party candidates.

SECTION

A. Enacting clause.

115.315. New political party, how formed — citation of law.

115.327. Declaration for nomination of independent candidate or formation of new party when required, form, content.

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

SECTION A. ENACTING CLAUSE. — Sections 115.315 and 115.327, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.315 and 115.327, to read as follows:

115.315. NEW POLITICAL PARTY, HOW FORMED — CITATION OF LAW. — 1. Sections 115.315 to 115.327 shall be known and may be cited as the "Fair Ballot Access Act".

2. Any group of persons desiring to form a new political party throughout the state, or for any congressional district, state senate district, state representative district or circuit judge district, shall file a petition with the secretary of state. Any group of persons desiring to form a new party for any county shall file a petition with the election authority of the county.

3. Each page or a sheet attached to each page of each petition for the formation of a new political party shall:

(1) Declare concisely the intention to form a new political party in the state, district or county;

(2) State in not more than five words the name of the proposed party;

(3) [If presidential electors are to be nominated by petition, at least one qualified resident of each congressional district shall be named as a nominee for presidential elector. The number of candidates to be nominated shall equal the number of electors to which the state is entitled, and the name of their candidate for president and the name of their candidate for vice president shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for president and vice president may be added to the party name, but the names of the candidates for president and vice president shall not be printed on the official ballot without the written consent of such persons. Their written consent shall accompany and be deemed part of the petition;

(4)] Give a complete list of the names and addresses, including the street and number, of the chairman and treasurer of the party.

4. When submitted for filing, each petition shall contain the names and addresses of two people, not candidates, to serve as provisional chairman and treasurer for the party in the event the party becomes a new political party.

5. If the new party is to be formed for the entire state, which shall include being formed for all districts and counties in which the party has nominations so listed on its certified list of candidates required pursuant to section 115.327, then this statewide petition shall be signed by at least ten thousand registered voters of the state obtained at large.

6. If the new party is to be formed for any district or county, but not by the statewide method set out in subsection 5 of this section, then the petition shall be signed by the number of registered voters in the district or county which is equal to at least two percent of the total number of voters who voted at the last election for candidates for the office being sought or is equal to ten thousand voters, whichever is less.

115.327. DECLARATION FOR NOMINATION OF INDEPENDENT CANDIDATE OR FORMATION OF NEW PARTY WHEN REQUIRED, FORM, CONTENT. — When submitted for filing, each petition for the nomination of an independent candidate or for the formation of a new political party shall be accompanied by a declaration of candidacy for each candidate to be nominated by the petition or by the party, respectively. The party's duly authorized chairman and treasurer shall also submit a certified complete list of the names and addresses of all their candidates and the office for which each seeks. The party shall nominate its candidates in the manner prescribed in the party's bylaws. **If presidential electors are to be nominated, at least one qualified resident of each congressional district shall be named as a nominee for presidential elector. The number of candidates to be nominated shall equal the number of electors to which the state is entitled.** Each declaration of candidacy for the office of

presidential elector shall be in the form provided in section 115.399. Each declaration of candidacy for an office other than presidential elector shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party, if any, upon whose ticket he is to be a candidate and that if nominated and elected he will qualify. Each such declaration shall be in substantially the following form:

I,, a resident and registered voter of the precinct of the town of or the precinct of the ward of the city of, or the precinct of township of the county of and the state of Missouri, do announce myself a candidate for the office of on the ticket, to be voted for at the general (special) election to be held on the day of, 20...., and I further declare that if nominated and elected I will qualify.

.....
Signature of candidate

Subscribed and sworn to
before me this
day of, 20....

.....
Residence address

.....
Signature of election
official or officer
authorized to administer
oaths

Each such declaration shall be subscribed and sworn to by the candidate before the election official accepting the candidate's petition, a notary public or other officer authorized by law to administer oaths

Approved July 6, 2012

HB 1251 [SS SCS HB 1251]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding natural resources

AN ACT to repeal sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.590, 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 260.255, 260.330, 260.392, 292.606, 301.010, 304.120, 414.530, 414.560, 414.570, 577.073, 621.250, 640.018, 640.100, 643.130, 643.225, 644.016, 644.026, 644.051, 644.071, 644.145, and 650.230, RSMo, and to enact in lieu thereof forty-one new sections relating to natural resources, with penalty provisions and an emergency clause for a certain section.

SECTION

- A. Enacting clause.
- 29.380. Solid waste management districts, authority to audit, when.
- 59.319. User fee and an additional fee required to record — collection, deposit, distribution, use of — state treasurer, commissioner of administration, secretary of state, duties.
- 60.510. Powers and duties of department.
- 60.530. Surveyor, duties.
- 60.540. Department may acquire property, how.
- 60.560. Attorney general to advise commission or department.
- 60.570. Headquarters, where located.
- 60.580. Right of entry, immune to trespass arrest.
- 60.590. Records to be furnished department — department to furnish records at cost.
- 60.595. Department revolving services fund, purpose — unexpended balances.
- 60.610. Department may contract.

- 60.620. Land survey commission established — appointment — terms — qualifications — chairman, selection — meetings, quorum — expenses — duties — annual report, content to be public.
- 67.4505. Authority created, powers, purpose — income and property exempt from taxation — immunity from liability.
- 259.010. Council established.
- 259.020. Council membership.
- 259.030. Council officers.
- 259.040. Expenses of members.
- 259.070. Powers and duties of council — rulemaking, procedure.
- 260.330. Landfill fee, amount — solid waste management fund, created, purpose — department to enforce — transfer station, fee charged — free disposal day, notice.
- 260.373. Rulemaking authority, limitations on — identification of inconsistent rules.
- 260.392. Definitions — fees for transport of radioactive waste — deposit of moneys, use — notice of shipments — sunset provision.
- 292.606. Fees, certain employers, how much, due when, late penalty — deductions — excess credited when — agencies receiving funds, duties — use of funds, commission to establish criteria.
- 301.010. Definitions.
- 304.033. Recreational off-highway vehicles, operation on highways prohibited, exceptions — operation within streams and rivers prohibited, exceptions — license required for operation, exception.
- 304.120. Municipal regulations — owner or lessor not liable for violations, when.
- 414.530. Propane education and research council creation, assessment upon odorized propane — procedure.
- 414.560. Selection of members — number of members, compensation, terms — chairman, president — budget — programs and projects — records — costs.
- 414.570. Assessment, amount — payment — late payment, charges — investment of funds — rulemaking authority.
- 577.073. Littering waters, injuring plants or historical objects, or selling in state parks — penalty.
- 621.250. Appeals from decisions of certain environmental commissions to be heard by administrative hearing commission — procedure.
- 640.018. Permit issuance after expiration of statutorily required time frame — engineering plans, specifications and designs — permit application or modification, statement required, use by department.
- 640.100. Commission, duties, promulgate rules — political subdivisions may set certain additional standards — certain departments test water supply, when — fees, amount — federal compliance — customer fees, effective, expires, when.
- 643.130. Judicial review.
- 643.225. Rules for asbestos abatement projects, standards and examinations — certification requirements — application — examination, content — certificate expires, when — fees — renewal of certificate requirements — refresher course — failure to pass examination, may repeat exam, when — fee for renewal — inapplicability, exemption, when, fee.
- 644.016. Definitions.
- 644.026. Powers and duties of commission — rules, procedure.
- 644.051. Prohibited acts — permits required, when, fee — bond required of permit holders, when — permit application procedures — rulemaking — limitation on use of permit fee moneys — permit shield provisions.
- 644.071. Judicial review authorized.
- 644.145. Affordability finding required, when — definitions — procedures to be adopted — appeal of determination.
- 650.230. Exemptions.
- 701.550. Definitions — requirements for towers 50 feet or higher — violation, penalty.
- 260.255. Newspapers, duty to recycle, requirements — statement to be filed with department, penalty.
 - B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.590, 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 260.255, 260.330, 260.392, 292.606, 301.010, 304.120, 414.530, 414.560, 414.570, 577.073, 621.250, 640.018, 640.100, 643.130, 643.225, 644.016, 644.026, 644.051, 644.071, 644.145, and 650.230, RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 29.380, 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.590, 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 260.330, 260.373, 260.392, 292.606, 301.010, 304.033, 304.120, 414.530, 414.560, 414.570, 577.073, 621.250, 640.018, 640.100, 643.130, 643.225, 644.016, 644.026, 644.051, 644.071, 644.145, 650.230, and 701.550, to read as follows:

29.380. SOLID WASTE MANAGEMENT DISTRICTS, AUTHORITY TO AUDIT, WHEN. — 1. The state auditor shall have the authority to audit solid waste management districts created under section 260.305 in the same manner as the auditor may audit any agency of the state.

2. Beginning August 28, 2012, the state auditor shall conduct an audit of each solid waste management district created under section 260.305 and thereafter shall conduct audits of each solid waste management district as he or she deems necessary. The state auditor may request reimbursement from the district for the costs of conducting the audit.

59.319. USER FEE AND AN ADDITIONAL FEE REQUIRED TO RECORD — COLLECTION, DEPOSIT, DISTRIBUTION, USE OF — STATE TREASURER, COMMISSIONER OF ADMINISTRATION, SECRETARY OF STATE, DUTIES. — 1. A user fee of four dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation, including anything necessarily pertaining thereto. The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of the recorder and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the recorder's office without the express consent of the recorder. The recorder's fund may be audited by the appropriate auditing agency, and any unexpended balance shall be left in the fund to accumulate from year to year with interest.

2. An additional fee of three dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instruments specified in subdivisions (1) and (2) of section 59.330. The fees collected from this additional three dollars per recorded instrument shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury.

3. The state treasurer and the commissioner of administration shall establish an appropriate account within the state treasury and in accordance with the state's accounting methods. Any receipt required by this section to be deposited in the [general revenue fund] **state treasury** shall be credited as follows:

(1) The amount of one dollar for each fee collected under subsection 1 of this section [to an account to be utilized for the purposes of sections 60.500 to 60.610] **shall be paid to the state treasurer and credited to the "Missouri Land Survey Fund" which is hereby created to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670. 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. Any funds previously collected by the state treasurer to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670 shall transfer to the Missouri land survey fund. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income, interest, and moneys earned from such investments shall be deposited in the Missouri land survey fund. Any unexpended balance in the fund at the end of the fiscal year is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund;**

(2) The amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized by the secretary of state for additional preservation of local records; and

(3) The amount of three dollars collected under subsection 2 of this section into the Missouri housing trust fund as designated in section 215.034.

60.510. POWERS AND DUTIES OF DEPARTMENT. — The functions, duties and responsibilities of the department of natural resources shall be as follows:

(1) To restore, maintain, and preserve the land survey monuments, section corners, and quarter section corners established by the United States public land survey within Missouri, together with all pertinent field notes, plats and documents; and also to restore, establish, maintain, and preserve **Missouri state and county boundary markers** and other boundary markers considered by the department of natural resources to be of importance, or otherwise established by law;

(2) To design and cause to be placed at established public land survey corner sites, where practical, substantial monuments permanently indicating, with words and figures, the exact location involved, but if such monuments cannot be placed at the exact corner point, then witness corners of similar design shall be placed as near by as possible, with words and figures indicating the bearing and distance to the true corner;

(3) To establish, maintain, and provide safe storage facilities for a comprehensive system of recordation of information respecting all monuments established by the United States public land survey within this state, and such records as may be pertinent to the department of natural resources' establishment or maintenance of other land corners, Missouri state coordinate system stations and accessories, and **survey** monuments in general;

(4) To [extend throughout this state a triangulation and leveling net of precision, whereby] **provide the framework for all geodetic positioning activities in the state. The foundational elements include latitude, longitude, and elevation which contribute to informed decision-making and impact on a wide range of important activities including mapping and geographic information systems, flood risk determination, transportation, land use and ecosystem management and use of** the Missouri state coordinate system, as established by [section 60.400, may be made to cover to the necessary extent those areas of the state which do not now have enough geodetic control stations to permit the general use of the system by land surveyors and others] **sections 60.401 to 60.491;**

(5) To collect and preserve information obtained from surveys made by those authorized to establish land monuments or land boundaries, and to assist in the proper recording of the same by the duly constituted county officials, or otherwise;

(6) To furnish, upon reasonable request and tender of the required fees therefor, certified copies of records created or maintained by the department of natural resources which, when certified by the state land surveyor or a designated assistant, shall be admissible in evidence in any court in this state, as the original record; **and**

(7) To prescribe, and disseminate to those engaged in the business of land surveying, [advisory] regulations designed to assist in uniform and professional surveying methods and standards in this state]; and

(8) To select and appoint a state land surveyor, who shall be the chief administrative officer of the authority, and who shall hold office at the pleasure of the authority].

60.530. SURVEYOR, DUTIES. — The state land surveyor shall, under guidance of the department of natural resources **and with the recommendation of the land survey commission**, carry out the routine functions and duties of the department of natural resources, as prescribed in sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670.** He **or she** shall, whenever practical, cause all land surveys, except geodetic surveys, to be executed, under his **or her** direction by the registered county surveyor or a local registered land surveyor when no registered county surveyor exists. He **or she** shall perform such other work and acts as shall, in the judgment of the department of natural resources **and with the recommendation of the land survey commission**, be necessary and proper to carry out the objectives of sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670** and, within the limits of appropriations made therefor and subject to the approval of the department of natural resources **and the state merit**

system, employ and fix the compensation of such additional employees as may be necessary to carry out the provisions of sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670**.

60.540. DEPARTMENT MAY ACQUIRE PROPERTY, HOW. — The department of natural resources may acquire, in the name of the state of Missouri, lands or interests therein, where necessary, to establish permanent control stations; and may lease or purchase or acquire by negotiation or condemnation, where necessary, land for the establishment of an office of **the land survey program** of the department of natural resources. If condemnation is necessary, the attorney general shall bring the suit in the name of the state in the same manner as authorized by law for the acquisition of lands by the state transportation department.

60.560. ATTORNEY GENERAL TO ADVISE COMMISSION OR DEPARTMENT. — Upon **their** request, the state attorney general shall advise the **land survey commission or the** department of natural resources or the state land surveyor with respect to any legal matter, and shall represent the **land survey commission or** department of natural resources in any proceeding in any court of the state in which the [authority] **land survey commission or land survey program** shall be a party.

60.570. HEADQUARTERS, WHERE LOCATED. — The permanent headquarters of the [state land survey authority] **land survey program** shall be at or near to the principal office of the Missouri state geological survey. Until such time as other headquarters can be obtained by the [authority] **land survey program**, the state geologist shall assign such space in the state geological survey building as may be available. The [authority] **land survey program** may also establish and maintain regional offices in the metropolitan areas of the state for the storage and distribution of local survey record information.

60.580. RIGHT OF ENTRY, IMMUNE TO TRESPASS ARREST. — The state land surveyor or any and all employees of the department of natural resources have the right to enter upon private property for the purpose of making surveys, or for searching for, locating, relocating, or remonumenting land monuments, leveling stations, or section corners. Should any of these persons necessarily damage property of the owner in making the surveys or searches or remonumentations, the department of natural resources may make reasonable payment for the damage from funds available for that purpose. However, department of natural resources employees are personally liable for any damage caused by their wantonness, willfulness or negligence. All department of natural resources employees are immune from arrest for trespass in performing their legal duties as stated in sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670**.

60.590. RECORDS TO BE FURNISHED DEPARTMENT — DEPARTMENT TO FURNISH RECORDS AT COST. — 1. On request of the department of natural resources or the state land surveyor, all city and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to the department of natural resources or the state land surveyor certified copies of desired records which are in their custody. This service shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the records. On the same basis of cost, the department of natural resources shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of natural resources may produce, reproduce and sell maps, plats, reports, studies, and records, and [shall fix the charge] **the commission shall recommend to the department of natural resources the charges** therefor. All income received shall be promptly deposited in the state treasury to the credit of the department of natural resources document services fund.

60.595. DEPARTMENT REVOLVING SERVICES FUND, PURPOSE — UNEXPENDED BALANCES. — 1. The "Department of Natural Resources Revolving Services Fund" is hereby created. All funds received by the department of natural resources from the delivery of services and the sale or resale of maps, plats, reports, studies, records and other publications and documents **and surveying information, on paper or in electronic format**, by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods [or] , **equipment, hardware and software, maintenance and licenses, software and database development and maintenance, personal services, and other** services that will ultimately be used to **provide copies of information maintained or provided by the land survey program**, reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps, publications or other documents for resale; and to pay shipping charges, laboratory services, core library fees, [workshops] **workshop fees**, [conferences] **conference fees**, interdivisional cooperative agreements, but for no other purpose.

2. An unencumbered balance in the fund at the end of the fiscal year not exceeding one million dollars is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

3. The department of natural resources shall report all income to and expenditures from such fund on a quarterly basis to the house budget committee and the senate appropriations committee.

60.610. DEPARTMENT MAY CONTRACT. — Whenever the department of natural resources deems it expedient, and when funds appropriated permit, the department of natural resources may enter into any contract with agencies of the United States, with agencies of other states, or with private persons, registered land surveyors or professional engineers, in order to plan and execute desired land surveys or geodetic surveys, or to plan and execute other projects which are within the scope and purpose of sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670**.

60.620. LAND SURVEY COMMISSION ESTABLISHED — APPOINTMENT — TERMS — QUALIFICATIONS — CHAIRMAN, SELECTION — MEETINGS, QUORUM — EXPENSES — DUTIES — ANNUAL REPORT, CONTENT TO BE PUBLIC. — 1. There is hereby created the "Land Survey [Advisory Committee] **Commission**", within the department of natural resources. The [committee] **commission** shall consist of [five] **seven** members, **six of whom shall be** appointed by the [director of the department of natural resources] **governor**. **Members shall reside in this state**. Members of the [committee] **commission** shall hold office for terms of three years, but of the original appointments, two members shall serve for one year, two members shall serve for two years, and [one member] **two members** shall serve for three years. **Members may serve only three consecutive terms on the commission.**

2. The [advisory committee] **land survey commission** shall consist of **the following** persons [who reside in this state and are not employed by the department of natural resources. Three] :

(1) **Four** members **who** shall be registered land surveyors, one of which shall be a county surveyor[.];

(2) One member **who** shall represent the real estate or land title industry;

(3) **One member who shall represent the public and have an interest in and knowledge of land surveying; and**

(4) **The director of the department of natural resources or his or her designee.**

The members in subdivisions (1) to (3) of this subsection shall be appointed by the governor with advice and consent of the senate and each shall serve until his or her successor is duly appointed.

3. The [advisory committee] **land survey commission** shall elect a chairman annually. The [committee] **commission** shall meet semiannually and at other such times as called by the chairman of the [committee] **commission** and shall have a quorum when at least [three] **four** members are present.

4. The [advisory committee] **land survey commission** members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

5. The [advisory committee] **land survey commission** shall provide the director of the department of natural resources [with advice and counsel on] **and the state land surveyor with recommendations on the operation and** the planning and prioritization of the **land survey** program and the design of regulations needed to carry out the functions, duties, and responsibilities of the department of natural resources **in sections 60.510 to 60.620 and section 60.670.**

6. **The land survey commission shall recommend to the department of natural resources:**

(1) A person to be selected and appointed state land surveyor, who shall be the chief administrative officer of the land survey program. The state land surveyor shall be selected under the state merit system on the basis of professional experience and registration;

(2) Prioritization and execution of projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670;

(3) Prioritization and selection of public land survey corner monuments to be reestablished through the county cooperative contracts in accordance with sections 8.285 to 8.291; and

(4) Approval of all other contracts for the planning and execution of projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670 and in accordance with sections 8.285 to 8.291.

7. The [committee] **commission** shall, at least annually, prepare a report, which shall be available to the general public, of the review by the [committee] **commission** of the land survey program, stating its findings, conclusions, and recommendations to the director.

8. By December 1, 2013, the commission shall provide a report to the department of natural resources and general assembly that recommends the appropriate administrative or overhead cost rate that will be charged to the program, where such cost rate shall include all indirect services provided by the division of geology and land survey, department of natural resources, and office of administration.

67.4505. AUTHORITY CREATED, POWERS, PURPOSE — INCOME AND PROPERTY EXEMPT FROM TAXATION — IMMUNITY FROM LIABILITY. — 1. There is hereby created within any county of the third classification with a township form of government and with more than seven thousand two hundred but fewer than seven thousand three hundred inhabitants, **and within any county of the second classification with more than seventy-five thousand but fewer than one hundred thousand inhabitants,** a county drinking water supply lake authority, which shall be a body corporate and politic and a political subdivision of this state.

2. The authority may exercise the powers provided to it under section 67.4520 over the reservoir area encompassing any drinking water supply lake of one thousand five hundred acres or more, as measured at its conservation storage level, and within the lake's watershed.

3. It shall be the purpose of each authority to promote the general welfare and a safe drinking water supply through the construction, operation, and maintenance of a drinking water supply lake.

4. The income of the authority and all property at any time owned by the authority shall be exempt from all taxation or any assessments whatsoever to the state or of any political subdivision, municipality, or other governmental agency thereof.

5. No county in which an authority is organized shall be held liable in connection with the construction, operation, or maintenance of any project or program undertaken pursuant to sections 67.4500 to 67.4520, including any actions taken by the authority in connection with such project or program.

259.010. COUNCIL ESTABLISHED. — There shall be a "State Oil and Gas Council" composed of the following [state agencies and two other persons as provided in] **members in accordance with the provisions of section 259.020:**

- (1) **One member from the division of [geological survey and water resources] geology and land survey;**
- (2) [Division of commerce and industrial] **One member from the department of economic development;**
- (3) **One member from the Missouri public service commission;**
- (4) **One member from the clean water commission;**
- (5) [University of] **One member from the Missouri University of Science and Technology Petroleum Engineering Program;**
- (6) **One member from the Missouri Independent Oil and Gas Association; and**
- (7) **Two members from the public.**

259.020. COUNCIL MEMBERSHIP. — The member [agencies] **entities in section 259.010** shall be represented on the council by the executive head of [the agency] **each respective entity**, except that:

- (1) The [University of] Missouri **University of Science and Technology** shall be represented by a professor of petroleum engineering employed at the university [of Missouri] ;
- (2) **The Missouri Independent Oil and Gas Association shall be represented by a designated member of the association; and**
- (3) **The public members shall be appointed to the council by the governor, with the advice and consent of the senate. Both public members shall have an interest in and knowledge of the oil and gas industry, both shall be residents of Missouri, and at least one shall also be a resident of a county of the third or fourth classification.**

The executive head of any member **state agency, the professor of petroleum engineering at the Missouri University of Science and Technology and the member from the Missouri Independent Oil and Gas Association** may from time to time authorize any member of the state agency's staff, **another professor of petroleum engineering at the Missouri University of Science and Technology or another member of the Missouri Independent Oil and Gas Association, respectively**, to represent it on the council and to fully exercise any of the powers and duties of [an agency] **the member** representative. [Two other persons shall be appointed to the council by the governor, with the advice and consent of the senate, who are residents of Missouri and who shall have an interest in and knowledge of the oil and gas industry.]

259.030. COUNCIL OFFICERS. — 1. The council shall elect a chairman and vice chairman from the members of the council other than the representative of the division of [geological survey and water resources] **geology and land survey**. A chairman **and vice chairman** may serve more than [one] **a one-year term, if so elected by the members of the council**.

2. The state geologist shall act as administrator for the council and shall be responsible for enforcing the provisions of this chapter.

259.040. EXPENSES OF MEMBERS. — Representatives of the member **state** agencies shall not receive any additional compensation for their services as representatives on the council and all expenses of **the state** agency representatives shall be paid by their respective agency. [Members appointed because of their interest in and knowledge of the oil and gas industry] **The professor of petroleum engineering, the member from the Missouri Independent Oil and Gas Association and the public members** shall not receive any compensation for their services as representatives on the council and all expenses of such representatives shall be paid by their respective entities.

259.070. POWERS AND DUTIES OF COUNCIL — RULEMAKING, PROCEDURE. — 1. The council has the duty of administering the provisions of this chapter. **The council shall meet at least once each calendar quarter of the year and upon the call of the chairperson.**

2. **The council shall conduct a review of the statutes and rules and regulations under this chapter on a biennial basis. Based on such review, the council, if necessary, shall recommend changes to the statutes under this chapter and shall amend rules and regulations accordingly.**

3. (1) **The council shall have the power and duty to form an advisory committee to the council for the purpose of reviewing the statutes and rules and regulations under subsection 2 of this section. The advisory committee shall make recommendations to the council when necessary to amend current statutes and rules and regulations under this chapter and shall review any proposed new or amended statute or regulation before such proposed statute or regulation is considered by the council.**

(2) **The advisory committee shall be made up of representatives from the division of geology and land survey, the oil and gas industry and any council member desiring to be on such advisory committee. The advisory committee shall meet prior to each calendar quarter meeting of the council, if necessary for the purposes set forth under this subsection, and present any recommendations to the council at such calendar quarter meeting. The council shall designate one of its members to serve as the chairperson of the advisory committee.**

(3) **The advisory committee may make recommendations to the council on appropriate fees or other funding mechanisms to support the oil and gas program efforts of the division of geology and land survey.**

4. The council has the duty and authority to make such investigations as it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify action.

5. The council acting through the office of the state geologist has the authority:

(1) To require:

(a) Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the refining or intrastate transportation of oil and gas;

(b) The making and filing of all mechanical well logs and the filing of directional surveys if taken, and the filing of reports on well location, drilling and production, and the filing free of charge of samples and core chips and of complete cores less tested sections, when requested in the office of the state geologist within six months after the completion or abandonment of the well;

(c) The drilling, casing, operation, and plugging of wells in such manner as to prevent the escape of oil or gas out of one stratum into another; the intrusion of water into oil or gas stratum; the pollution of fresh water supplies by oil, gas, or highly mineralized water; to prevent blowouts, cavings, seepages, and fires; and to prevent the escape of oil, gas, or water into workable coal or other mineral deposits;

(d) The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the council prescribed to govern the production of oil and gas on state and private lands within the

state of Missouri; provided that, in lieu of a bond with a surety, an applicant may furnish to the council his own personal bond, on conditions as described in this paragraph, secured by a certificate of deposit or an irrevocable letter of credit in an amount equal to that of the required surety bond or secured by some other financial instrument on conditions as above described or as provided by council regulations;

(e) That the production from wells be separated into gaseous and liquid hydrocarbons, and that each be accurately measured by such means and upon such standards as may be prescribed by the council;

(f) The operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios;

(g) Certificates of clearance in connection with the transportation or delivery of any native and indigenous Missouri produced crude oil, gas, or any product;

(h) Metering or other measuring of any native and indigenous Missouri-produced crude oil, gas, or product in pipelines, gathering systems, barge terminals, loading racks, refineries, or other places; and

(i) That every person who produces, sells, purchases, acquires, stores, transports, refines, or processes native and indigenous Missouri-produced crude oil or gas in this state shall keep and maintain within this state complete and accurate records of the quantities thereof, which records shall be available for examination by the council or its agents at all reasonable times and that every such person file with the council such reports as it may prescribe with respect to such oil or gas or the products thereof;

(2) To regulate pursuant to rules adopted by the council:

(a) The drilling, producing, and plugging of wells, and all other operations for the production of oil or gas;

(b) The shooting and chemical treatment of wells;

(c) The spacing of wells;

(d) Operations to increase ultimate recovery such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations; and

(e) Disposal of highly mineralized water and oil field wastes;

(3) To limit and to allocate the production of oil and gas from any field, pool, or area;

(4) To classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter;

(5) To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and the intent of this chapter;

(6) To make rules, regulations, or orders for the classification of wells as oil wells or dry natural gas wells; or wells drilled, or to be drilled, for geological information; or as wells for secondary recovery projects; or wells for the disposal of highly mineralized water, brine, or other oil field wastes; or wells for the storage of dry natural gas, or casinghead gas; or wells for the development of reservoirs for the storage of liquid petroleum gas;

(7) To detail such personnel and equipment or enter into such contracts as it may deem necessary for carrying out the plugging of or other remedial measures on wells which have been abandoned and not plugged according to the standards for plugging set out in the rules and regulations promulgated by the council pursuant to this chapter. Members of the council or authorized representatives may, with the consent of the owner or person in possession, enter any property for the purpose of investigating, plugging, or performing remedial measures on any well, or to supervise the investigation, plugging, or performance of remedial measures on any well. A reasonable effort to contact the owner or the person in possession of the property to seek his permission shall be made before members of the council or authorized representatives enter the property for the purposes described in this paragraph. If the owner or person in possession of the property cannot be found or refuses entry or access to any member of the council or to any authorized representative presenting appropriate credentials, the council may request the attorney general to initiate in any court of competent jurisdiction an action for injunctive relief to restrain any interference with the exercise of powers and duties described in

this subdivision. Any entry authorized under this subdivision shall be construed as an exercise of the police power for the protection of public health, safety and general welfare and shall not be construed as an act of condemnation of property nor of trespass thereon. Members of the council and authorized representatives shall not be liable for any damages necessarily resulting from the entry upon land for purposes of investigating, plugging, or performing remedial measures or the supervision of such activity. However, if growing crops are present, arrangements for timing of such remedial work may be agreed upon between the state and landowner in order to minimize damages;

(8) To develop such facts and make such investigations or inspections as are consistent with the purposes of this chapter. Members of the council or authorized representatives may, with the consent of the owner or person in possession, enter upon any property for the purposes of inspecting or investigating any condition which the council shall have probable cause to believe is subject to regulation under this chapter, the rules and regulations promulgated pursuant thereto or any permit issued by the council. If the owner or person in possession of the property refuses entry or access for purposes of the inspections or investigations described, the council or authorized representatives shall make application for a search warrant. Upon a showing of probable cause in writing and under oath, a suitable restricted search warrant shall be issued by any judge having jurisdiction for purposes of enabling inspections authorized under this subdivision. The results of any inspection or investigation pursuant to this subdivision shall be reduced to writing with a copy furnished to the owner, person in possession, or operator;

(9) To cooperate with landowners with respect to the conversion of wells drilled for oil and gas to alternative use as water wells as follows: The state geologist shall determine the feasibility of the conversion of a well drilled under a permit for oil and gas for use as a water well and shall advise the landowner of modifications required for conversion of the well in a manner that is consistent with the requirements of this chapter. If such conversion is carried out, release of the operator from legal liability or other responsibility shall be required and the expense of the conversion shall be borne by the landowner.

[2.] 6. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

260.330. LANDFILL FEE, AMOUNT — SOLID WASTE MANAGEMENT FUND, CREATED, PURPOSE — DEPARTMENT TO ENFORCE — TRANSFER STATION, FEE CHARGED — FREE DISPOSAL DAY, NOTICE. — 1. Except as otherwise provided in subsection 6 of this section, effective October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less collection costs, to the department of natural resources for deposit in the "Solid Waste Management Fund" which is hereby created. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. No annual adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, [2014] 2017, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2014] 2017, shall exceed the percentage increase measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency and calculated on the percentage of revenues dedicated under subdivision

(1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. Collection costs shall be established by the department and shall not exceed two percent of the amount collected pursuant to this section.

2. The department shall, by rule and regulation, provide for the method and manner of collection.

3. The charges established in this section shall be enumerated separately from the disposal fee charged by the landfill and may be passed through to persons who generated the solid waste. Moneys shall be transmitted to the department shall be no less than the amount collected less collection costs and in a form, manner and frequency as the department shall prescribe. The provisions of section 33.080 to the contrary notwithstanding, moneys in the account shall not lapse to general revenue at the end of each biennium. Failure to collect the charge does not relieve the operator from responsibility for transmitting an amount equal to the charge to the department.

4. The department may examine or audit financial records and landfill activity records and measure landfill usage to verify the collection and transmittal of the charges established in this section. The department may promulgate by rule and regulation procedures to ensure and to verify that the charges imposed herein are properly collected and transmitted to the department.

5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall transmit a fee to the department for deposit in the solid waste management fund which is equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be applicable to all solid waste to be transported out of the state for disposal. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. No annual adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, [2014] **2017**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2014] **2017**, shall exceed the percentage increase measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. The department shall prescribe rules and regulations governing the transmittal of fees and verification of waste volumes transported out of state from transfer stations. Collection costs shall also be established by the department and shall not exceed two percent of the amount collected pursuant to this subsection. A transfer station with the sole function of separating materials for recycling or resource recovery activities shall not be subject to the fee imposed in this subsection.

6. Each political subdivision which owns an operational solid waste disposal area may designate, pursuant to this section, up to two free disposal days during each calendar year. On any such free disposal day, the political subdivision shall allow residents of the political subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to this section. Notice of any free disposal day shall be posted at the solid waste disposal area site and in at least one newspaper of general circulation in the political subdivision no later than fourteen days prior to the free disposal day.

260.373. RULEMAKING AUTHORITY, LIMITATIONS ON — IDENTIFICATION OF INCONSISTENT RULES. — 1. After August 28, 2012, the authority of the commission to promulgate rules under sections 260.350 to 260.391 and 260.393 to 260.433 is subject to the following:

(1) The commission shall not promulgate rules that are stricter than or implement requirements prior to the requirements of Title 40, U.S. Code of Federal Regulations, Parts 260, 261, 262, 264, 265, 268, and 270, as promulgated pursuant to Subtitle C of the Resource Conservation and Recovery Act, as amended;

(2) Notwithstanding the limitations of subdivision (1) of this subsection, where state statutes expressly prescribe standards or requirements that are stricter than or implement requirements prior to any federal requirements, or where state statutes allow the establishment or collection of fees, costs, or taxes, the commission may promulgate rules as necessary to implement such statutes;

(3) Notwithstanding the limitations of subdivision (1) of this subsection, the commission may retain, modify, or repeal any current rules pertaining to the following:

(a) Thresholds for determining whether a hazardous waste generator is a large quantity generator, small quantity generator, or conditionally-exempt small quantity generator;

(b) Descriptions of applicable registration requirements;

(c) The reporting of hazardous waste activities to the department; provided, however, that the commission shall promulgate rules, effective beginning with the reporting period July 1, 2015 - June 30, 2016, that allow for the submittal of reporting data in an electronic format on an annual basis by large quantity generators and treatment storage and disposal facilities;

(d) Rules requiring hazardous waste generators to display hazard labels (e.g., Department of Transportation (DOT) labels) on containers and tanks during the time hazardous waste is stored onsite;

(e) The exclusion for hazardous secondary materials used to make zinc fertilizers in 40 CFR 261.4; and

(f) The exclusions for hazardous secondary materials that are burned for fuel or that are recycled.

2. Nothing in this section shall be construed to repeal any other provision of law, and the commission and the department shall continue to have the authority to implement and enforce other statutes, and the rules promulgated pursuant to their authority.

3. No later than December 31, 2013, the department shall identify rules in Title 10, Missouri Code of State Regulations, Division 25, Chapters 3, 4, 5, and 7 that are inconsistent with the provisions of subsection 1 of this section. The department shall thereafter file with the Missouri secretary of state any amendments necessary to ensure that such rules are not inconsistent with the provisions of subsection 1 of this section. On December 31, 2015, any rule contained in Title 10, Missouri Code of State Regulations, Division 25, Chapters 3, 4, 5, or 7 that remains inconsistent with the provisions of subsection 1 above shall be null and void to the extent that it is inconsistent.

4. Nothing in this section shall be construed to effectuate a modification of any permit. Upon request, the department shall modify as appropriate any permit containing requirements no longer in effect due to this section.

5. The department is prohibited from selectively excluding any rule or portion of a rule promulgated by the commission from any authorization application package, or program revision, submitted to the U.S. Environmental Protection Agency under Title 40, U.S. Code of Federal Regulations, sections 271.5 or 271.21.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,

section 536.028. This section and chapter 536 are non-severable 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, 2012, shall be invalid and void.

260.392. DEFINITIONS — FEES FOR TRANSPORT OF RADIOACTIVE WASTE — DEPOSIT OF MONEYS, USE — NOTICE OF SHIPMENTS — SUNSET PROVISION. — 1. As used in sections 260.392 to 260.399, the following terms mean:

(1) "Cask", all the components and systems associated with the container in which spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive waste are stored;

(2) "High-level radioactive waste", the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations, and other highly radioactive material that the United States Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

(3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended, a quantity of radioactive material within a single package. Highway route controlled quantity shipments of thirty miles or less within the state are exempt from the provisions of this section;

(4) "Low-level radioactive waste", any radioactive waste not classified as high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive material given written approval for landfill disposal by the Missouri department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from the provisions of this section;

(5) "Shipper", the generator, owner, or company contracting for transportation by truck or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments, transuranic radioactive waste, or low-level radioactive waste;

(6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing;

(7) "State-funded institutions of higher education", any campus of any university within the state of Missouri that receives state funding and has a nuclear research reactor;

(8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with half-lives greater than twenty years, per gram of waste. For the purposes of this section, transuranic waste shall not include:

(a) High-level radioactive wastes;

(b) Any waste determined by the Environmental Protection Agency with the concurrence of the Environmental Protection Agency administrator that does not need the degree of isolation required by this section; or

(c) Any waste that the United States Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state shall be subject to the fees established in this subsection, provided that no state-funded institution of higher education that ships nuclear waste shall pay any such fee. These higher education institutions shall reimburse the Missouri state highway patrol directly for all costs related to shipment escorts. The fees for all other shipments shall be:

(1) One thousand eight hundred dollars for each [cask transported] **truck transporting** through or within the state [by truck of] high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route controlled quantity shipments. All [casks] **truck shipments** of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments [transported by truck] are subject to a surcharge of twenty-five dollars per mile for every mile over two hundred miles traveled within the state;

(2) One thousand three hundred dollars for the first cask and one hundred twenty-five dollars for each additional cask for each rail shipment through or within the state of high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

(3) One hundred twenty-five dollars for each truck or train transporting low-level radioactive waste through or within the state. The department of natural resources may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment.

3. All revenue generated from the fees established in subsection 2 of this section shall be deposited into the environmental radiation monitoring fund established in section 260.750 and shall be used by the department of natural resources to achieve the following objectives and for purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not limited to:

(1) Inspections, escorts, and security for waste shipment and planning;

(2) Coordination of emergency response capability;

(3) Education and training of state, county, and local emergency responders;

(4) Purchase and maintenance of necessary equipment and supplies for state, county, and local emergency responders through grants or other funding mechanisms;

(5) Emergency responses to any transportation incident involving the high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;

(6) Oversight of any environmental remediation necessary resulting from an incident involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of any party responsible for the incident; such party may be liable for full reimbursement to the state or payment of any other costs associated with the cleanup of contamination related to a transportation incident;

(7) Administrative costs attributable to the state agencies which are incurred through their involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state.

4. Nothing in this section shall preclude any other state agency from receiving reimbursement from the department of natural resources and the environmental radiation monitoring fund for services rendered that achieve the objectives and comply with the provisions of this section.

5. Any unencumbered balance in the environmental radiation monitoring fund that exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring fund for that fiscal year.

6. The department of natural resources, in coordination with the department of health and senior services and the department of public safety, may promulgate rules necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to

disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. All funds deposited in the environmental radiation monitoring fund through fees established in subsection 2 of this section shall be utilized, subject to appropriation by the general assembly, for the administration and enforcement of this section by the department of natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

8. All fees shall be paid to the department of natural resources prior to shipment.

9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the state shall be provided by the shipper to the governor's designee for advanced notification, as described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state. Notice of any shipment of low-level radioactive waste through or within the state shall be provided by the shipper to the Missouri department of natural resources before such shipment enters the state.

10. Any shipper who fails to pay a fee assessed under this section, or fails to provide notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the amount assessed and not paid. The action shall be brought by the attorney general at the request of the department of natural resources. If the action involves a facility domiciled in the state, the action shall be brought in the circuit court of the county in which the facility is located. If the action does not involve a facility domiciled in the state, the action shall be brought in the circuit court of Cole County.

11. Beginning on December 31, 2009, and every two years thereafter, the department of natural resources shall prepare and submit a report on activities of the environmental radiation monitoring fund to the general assembly. This report shall include information on fee income received and expenditures made by the state to enforce and administer the provisions of this section.

12. The provisions of this section shall not apply to high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the federal government for military or national defense purposes.

13. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2009, 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.

292.606. FEES, CERTAIN EMPLOYERS, HOW MUCH, DUE WHEN, LATE PENALTY — DEDUCTIONS — EXCESS CREDITED WHEN — AGENCIES RECEIVING FUNDS, DUTIES — USE OF FUNDS, COMMISSION TO ESTABLISH CRITERIA. — 1. Fees shall be collected for a period of [twenty] **six** years from August 28, [1992] **2012**.

2. (1) Any employer required to report under subsection 1 of section 292.605, except local governments and family-owned farm operations, shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, if such person, firm or corporation is paying fees under the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such

federal fees from those fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed under this subsection, such employer shall not be liable for state fees under this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline, are considered to be one product, and all varieties of motor lubricating oil are considered to be one product. For the purposes of this section "facility" shall mean all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person. If more than three hazardous substances or mixtures are reported on the Tier II form, the employer shall submit an additional twenty-dollar fee for each hazardous substance or mixture. Fees collected under this subdivision shall be for each hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances on hand at any one time in excess of five hundred pounds or the threshold planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per year in fees. [Except] Moneys acquired through litigation **and any administrative fees paid pursuant to subsection 3 of this section** shall not [apply to] **be applied toward** this cap;

(2) Employers engaged in transporting hazardous materials by pipeline except local gas distribution companies regulated by the Missouri Public Service Commission shall pay to the commission a fee of two hundred fifty dollars for each county in which they operate;

(3) Payment of fees is due each year by March first. A late fee of ten percent of the total owed, plus one percent per month of the total, may be assessed by the commission;

(4) If, on March first of each year, fees collected under this section and natural resources damages made available pursuant to section 640.235 exceed one million dollars, any excess over one million dollars shall be proportionately credited to fees payable in the succeeding year by each employer who was required to pay a fee and who did pay a fee in the year in which the excess occurred. The limit of one million dollars contained herein shall be reviewed by the commission concurrent with the review of fees as required in subsection 1 of this section.

3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to subsection 1 of section 292.605 may request that the commission distribute that employer's Tier II report to the local emergency planning committees and fire departments listed in its Tier II report. Any employer opting to have the commission distribute its Tier II report shall pay an additional fee of ten dollars for each facility listed in the report at the time of filing to recoup the commission's distribution costs. Fees shall be deposited in the chemical emergency preparedness fund established under section 292.607. An employer who pays the additional fee and whose Tier II report includes all local emergency planning committees and fire departments required to be notified under subsection 1 of section 292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The commission shall develop a mechanism for an employer to exercise its option to have the commission distribute its Tier II report.

4. Local emergency planning committees receiving funds under section 292.604 shall coordinate with the commission and the department in chemical emergency planning, training, preparedness, and response activities. Local emergency planning committees receiving funds under this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall provide to the commission an annual report of expenditures and activities.

[4.] 5. Fees collected by the department and all funds provided to local emergency planning committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical releases;

exercising, evaluating, and distributing plans, providing training related to chemical emergency preparedness and prevention of chemical accidents; identifying facilities required to report; processing the information submitted by facilities and making it available to the public; receiving and handling emergency notifications of chemical releases; operating a local emergency planning committee; and providing public notice of chemical preparedness activities. Local emergency planning committees receiving funds under this section may combine such funds with other local emergency planning committees to further the purposes of sections 292.600 to 292.625, or the federal act.

[5.] 6. The commission shall establish criteria and guidance on how funds received by local emergency planning committees may be used.

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, 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;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

- (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;
- (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;
- (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;
- (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;
- (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;
- (20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- (21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;
- (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;
- (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;
- (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:
- (a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or
- (b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;
- (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;
- (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local

log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(28) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

(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;

(34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(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;

(36) "Motorcycle", a motor vehicle operated on two wheels;

(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;

(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;

(39) "Municipality", any city, town or village, whether incorporated or not;

(40) "Nonresident", a resident of a state or country other than the state of Missouri;

(41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(42) "Operator", any person who operates or drives a motor vehicle;

(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;

(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;

(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;

(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;

(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;

(48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an unladen dry weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV trails;

(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;

(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";

(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;

(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;

(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;

(54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(55) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(56) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(58) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(60) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

(61) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear

frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(63) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(64) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(66) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(69) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

304.033. RECREATIONAL OFF-HIGHWAY VEHICLES, OPERATION ON HIGHWAYS PROHIBITED, EXCEPTIONS — OPERATION WITHIN STREAMS AND RIVERS PROHIBITED, EXCEPTIONS — LICENSE REQUIRED FOR OPERATION, EXCEPTION. — 1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway vehicle in a municipality unless such operation is authorized by such municipality as provided for in subdivision (5) of this subsection;

(4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;

(5) Governing bodies of cities may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(6) Governing bodies of counties may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

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 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;**

(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 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.

414.530. PROPANE EDUCATION AND RESEARCH COUNCIL CREATION, ASSESSMENT UPON ODORIZED PROPANE — PROCEDURE. — 1. The director shall conduct a referendum as soon as possible among producers and Missouri retail marketers of propane to authorize the creation of the "Missouri Propane Education and Research Council" and the levying of an assessment on odorized propane. Upon approval of those persons representing two-thirds of the total gallonage of odorized propane voted in the retail marketer class and two-thirds of all propane voted in the producer class, meaning propane sold or produced in the previous calendar year or other representative period, the director shall issue an order establishing the council and call for nominations to the council from qualified industry organizations. All persons voting in the referendum shall certify to the director the number of gallons represented by their vote.

2. [On the director's own initiative,] Upon petition of the council or of producers and marketers representing thirty-five percent of the gallons in each class, the director shall hold a referendum to determine whether the industry favors termination or suspension of the order. The termination or suspension shall not take effect unless it is approved by those persons representing more than one-half of the total gallonage of odorized propane in the marketer class and one-half of all propane in the producer class.

3. The director may require such reports or documentation as is necessary to document the referendum process [and the nomination process for members of the council] and shall protect the confidentiality of all such documentation provided by industry members. Information regarding propane produced or marketed by persons voting shall be a closed record.

414.560. SELECTION OF MEMBERS — NUMBER OF MEMBERS, COMPENSATION, TERMS — CHAIRMAN, PRESIDENT — BUDGET — PROGRAMS AND PROJECTS — RECORDS — COSTS. — 1. Upon issuance of an order by the director establishing the Missouri propane education and research council, the director shall select all members of the council from a list of nominees submitted by qualified industry organizations. [Vacancies in unfinished terms of council members may be filled by the council, subject to approval of the director] **The council shall make subsequent appointments and fill vacancies in unfinished terms following a public nomination process. The director may reject council appointments.**

2. In making nominations and appointments to the council, the qualified industry organizations [and the director] shall give due regard to selecting a council that is representative of the industry, and the geographic regions of the state.

3. The council shall consist of fifteen members, with nine members representing retail marketers of propane; three members representing wholesalers or resellers of propane; two members representing manufacturers and distributors of gas use equipment, wholesalers or resellers, or transporters; and one public member. Other than the public member, council members shall be full-time employees or owners of businesses in the industry.

4. Council members shall receive no compensation for their services, but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

5. Council members shall serve terms of three years; except that of the initial members appointed, five shall be appointed for terms of one year, five shall be appointed for terms of two years and five shall be appointed for terms of three years. Members may be appointed to a maximum of two consecutive full terms. Members filling unexpired terms will not have any partial term of service count against the two-term limitation. Former members of the council may be reappointed to the council if they have not been members for a period of one year.

6. The council shall select from among its members a chairman and other officers as necessary, establish committees and subcommittees of the council, and adopt rules and bylaws for the conduct of business. The council may establish advisory committees of persons other than council members.

7. The council may employ a president to serve as chief executive officer and such other employees as it deems necessary. The council may enter into contracts with, use facilities and equipment of, or employ personnel of a qualified industry organization in carrying out its responsibilities under sections 414.500 to 414.590. It shall determine the compensation and duties of each, and protect the handling of council funds through fidelity bonds.

8. **At least thirty days prior to the beginning of each fiscal period, the council shall prepare and submit [to the director] for public comment a budget plan including the probable costs of all programs, projects and contracts and a recommended rate of assessment sufficient to cover such costs. [The director shall approve or recommend changes to the budget after an opportunity for public comment.] The council shall approve or modify the budget following the public comment period. The director may reject the budget plan or modifications.**

9. The council shall develop programs and projects and enter into contracts or agreements for implementing the policy of sections 414.500 to 414.590, including programs of research, development, education, and marketing, and for the payment of the costs thereof with funds collected pursuant to sections 414.500 to 414.590. The council shall coordinate its activities with industry trade associations to provide efficient delivery of services and to avoid unnecessary duplication of activities.

10. The council shall keep minutes, books, **and** records that clearly reflect all of the acts and transactions of the council and regularly report such information to the director[, along with such other information as the director may require]. The books of the council shall be audited by a certified public accountant at least once each fiscal year and at such other times as the council may designate. Copies of such audit shall be provided to the director, all members of the council, all qualified industry organizations, and to other members of the industry upon request. [The director shall receive notice of meetings and may require reports on the activities of the council, as well as reports on compliance, violations and complaints regarding the implementation of sections 414.500 to 414.590.]

11. From assessments collected, the council shall annually reimburse the director for costs incurred in holding the referendum establishing the council[, making appointments to the council,] and other expenses directly related to the council.

414.570. ASSESSMENT, AMOUNT — PAYMENT — LATE PAYMENT, CHARGES — INVESTMENT OF FUNDS — RULEMAKING AUTHORITY. — 1. The council shall set the initial

assessment at no greater than one-tenth of one cent per gallon. Thereafter, annual assessments shall be sufficient to cover the costs of the plans and programs developed by the council and approved [by the director] **following public comment**. The assessment shall not be greater than one-half cent per gallon of odorized propane. The assessment may not be raised by more than one-tenth of one cent per gallon annually.

2. The owner of propane immediately prior to odorization in this state or the owner at the time of import into this state of odorized propane shall be responsible for the payment of the assessment on the volume of propane at the time of import or odorization, whichever is later. Assessments shall be remitted to the council on a monthly basis by the twenty-fifth of the month following the month of collection. Nonodorized propane shall not be subject to assessment until odorized.

3. The [director] **council** may by regulation[, with the concurrence of the council,] establish an alternative means [for the council] to collect the assessment if another means is found to be more efficient and effective. The [director] **council** may by regulation establish a late payment charge and rate of interest **not to exceed the legal rate for judgments** to be imposed on any person who fails to remit to the council any amount due under sections 414.500 to 414.590.

4. Pending disbursement pursuant to a program, plan or project, the council may invest funds collected through assessments and any other funds received by the council only in obligations of the United States or any agency thereof, in general obligations of any state or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

5. [The National Propane Education and Research Council, in conjunction with the United States Secretary of Energy may, by regulation, establish a program coordinating the operation of its council with the council established in section 414.530. This may include an assessment rebate, if adopted, of an amount up to twenty-five percent of the National Propane Education and Research Council assessment collected on Missouri distributed odorized propane as presented and described in section nine of the federal Propane Education and Research Act of 1992. Should the National Propane Education and Research Council, as part of the federal Propane Education and Research Act of 1992, establish such an assessment rebate on fees collected by such council, then all funds from such federal assessment rebate shall be the property of the Missouri council as established by section 414.530, and the use of such funds shall be determined by the Missouri council for the purposes as intended and presented in sections 414.500 to 414.590.] **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.**

577.073. LITTERING WATERS, INJURING PLANTS OR HISTORICAL OBJECTS, OR SELLING IN STATE PARKS — PENALTY. — 1. It is unlawful for any person to throw waste paper, tin cans, bottles, rubbish of any kind, or contaminate in any manner, any spring, pool or stream within a state park, nor shall any person other than authorized personnel of the department of natural resources cut, prune, pick or deface or injure in any manner the flowers, trees, shrub or any other flora growing on the land or in the water of any state park.

2. No person shall be permitted to offer or advertise merchandise or other goods for sale or hire, or to maintain any concession, or use any park facilities, buildings, trails, roads or other state park property for commercial use except by written permission or concession contract with the department of natural resources; **except that, the provisions of this subsection shall not**

apply to the normal and customary use of public roads by commercial and noncommercial organizations for the purpose of transporting persons or vehicles, including, but not limited to, canoes.

3. No object of archaeological or historical value or interest within a state park may be removed, injured, disfigured, defaced or destroyed except by authorized personnel.

4. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

621.250. APPEALS FROM DECISIONS OF CERTAIN ENVIRONMENTAL COMMISSIONS TO BE HEARD BY ADMINISTRATIVE HEARING COMMISSION — PROCEDURE. — 1. All authority to hear appeals granted in chapters 260, 444, 640, 643, and 644, and to the hazardous waste management commission in chapter 260, the land reclamation commission in chapter 444, the safe drinking water commission in chapter 640, the air conservation commission in chapter 643, and the clean water commission in chapter 644 shall be transferred to the administrative hearing commission under this chapter. The authority to render final decisions after hearing on appeals heard by the administrative hearing commission shall remain with the commissions listed in this subsection. The administrative hearing commission may render a recommended final decision after hearing or through stipulation, consent order, agreed settlement or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, consistent with the requirements of this subsection and the rules and procedures of the administrative hearing commission.

2. Except as otherwise provided by law, any person or entity who is a party to, or who is aggrieved or adversely affected by, any finding, order, decision, or assessment for which the authority to hear appeals was transferred to the administrative hearing commission in subsection 1 of this section may file a notice of appeal with the administrative hearing commission within thirty days after any such finding, order, decision, or assessment is placed in the United States mail or within thirty days of any such finding, order, decision, or assessment being delivered, whichever is earlier. Within [sixty] **ninety** days after the date on which the notice of appeal is filed the administrative hearing commission [shall] **may** hold hearings and **within one hundred twenty days after the date on which the notice of appeal is filed shall** make a recommended decision based on those hearings or shall make a recommended decision based on stipulation of the parties, consent order, agreed settlement or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, in accordance with the requirements of this subsection and the rules and procedures of the administrative hearing commission; **provided, however, that the dates by which the administrative hearing commission is required to hold hearings and make a recommended decision may be extended at the sole discretion of the permittee as either petitioner or intervenor in the appeal.**

3. Any decision by the director of the department of natural resources that may be appealed as provided in subsection 1 of this section shall contain a notice of the right of appeal in substantially the following language: "If you were adversely affected by this decision, you may appeal to have the matter heard by the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission." Within fifteen days after the administrative hearing commission renders its recommended decision, it shall transmit the record and a transcript of the proceedings, together with the administrative hearing commission's recommended decision to the commission having authority to issue a final decision. The final decision of the commission shall be issued within [ninety] **one hundred eighty** days of the date the notice of appeal **in subsection 2 of this section** is filed and shall be based only on the facts and evidence in the hearing record; **provided, however, that the date by which the**

commission is required to issue a final decision may be extended at the sole discretion of the permittee as either petitioner or intervenor in the appeal. The commission may adopt the recommended decision as its final decision. The commission may change a finding of fact or conclusion of law made by the administrative hearing commission, or may vacate or modify the recommended decision issued by the administrative hearing commission, only if the commission states in writing the specific reason for a change made under this subsection.

4. In the event the person filing the appeal prevails in any dispute under this section, interest shall be allowed upon any amount found to have been wrongfully collected or erroneously paid at the rate established by the director of the department of revenue under section 32.065.

5. Appropriations shall be made from the respective funds of the various commissions to cover the administrative hearing commission's costs associated with these appeals.

6. In all matters heard by the administrative hearing commission under this section, the burden of proof shall comply with section 640.012. The hearings shall be conducted by the administrative hearing commission in accordance with the provisions of chapter 536 and its regulations promulgated thereunder.

7. No cause of action or appeal arising out of any finding, order, decision, or assessment of any of the commissions listed in subsection 1 of this section shall accrue in any court unless the party seeking to file such cause of action or appeal shall have filed a notice of appeal and received a final decision in accordance with the provisions of this section.

640.018. PERMIT ISSUANCE AFTER EXPIRATION OF STATUTORILY REQUIRED TIME FRAME — ENGINEERING PLANS, SPECIFICATIONS AND DESIGNS — PERMIT APPLICATION OR MODIFICATION, STATEMENT REQUIRED, USE BY DEPARTMENT. — 1. In any case where the department has not issued a permit or rendered a permit decision by the expiration of a statutorily required time frame for any application for a permit under this chapter or chapters 260, 278, 319, 444, 643, or 644, **upon request of the permit applicant, the department shall issue the permit** [shall be issued as of] the first day following the expiration of the required time frame, provided all necessary information has been submitted for the application and the department has been in possession of all such information for the duration of the required time frame. This subsection shall be considered in addition to, and not in lieu thereof, any other provision of law regarding consequences of failure by the department to issue a permit or permit decision by the expiration of a required time frame.

2. If engineering plans, specifications, and designs prepared by a registered professional engineer are submitted to the department of natural resources as a part of a permit application or permit modification, the permit application or permit modification shall include a statement that the plans, specifications, and designs were prepared in accordance with the applicable requirements and shall be sealed by the registered professional engineer in accordance with section 327.411, as applicable. The department shall use the complete, sealed engineering plans, specifications, and designs as submitted in addition to permit applications and other relevant information, documents, and materials in developing comments on the engineering submittals and in determining whether to issue or deny permits. The review of documents, plans, specifications, and designs sealed by a registered professional engineer for an applicant shall be conducted by a registered professional engineer or an engineering intern on behalf of the department.

3. The department shall designate supervisory registered professional engineers for permitting purposes under this chapter and chapters 260, 278, 319, 444, 643, and 644. Any permit applicant receiving written comments on an engineering submittal may request a determination from the department's supervisory registered professional engineer as to a final disposition of the department's comments regarding engineering submittals in determining a decision on the permit. The department's supervisory engineer shall inform the permit applicant of a preliminary decision within fifteen days after the permit applicant's request for a determination and shall make a final determination within thirty days of such request.

4. Nothing in this section shall be construed to require plans or other submittals to the department pursuant to an application to come under a general permit or an application for a site-specific permit to be prepared by a registered professional engineer, unless otherwise required under state or federal law.

640.100. COMMISSION, DUTIES, PROMULGATE RULES — POLITICAL SUBDIVISIONS MAY SET CERTAIN ADDITIONAL STANDARDS — CERTAIN DEPARTMENTS TEST WATER SUPPLY, WHEN — FEES, AMOUNT — FEDERAL COMPLIANCE — CUSTOMER FEES, EFFECTIVE, EXPIRES, WHEN. — 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536 and an opportunity given to the public to be heard; the commission may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, including but not limited to section 536.028, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644 shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

3. The commission shall promulgate rules and regulations for the certification of public water system operators, backflow prevention assembly testers and laboratories conducting tests pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. Any such state certification shall satisfy any need for local certification as a backflow prevention assembly tester. However, political subdivisions may set additional testing standards for individuals who are seeking to be certified as backflow prevention assembly testers. Notwithstanding any other provision of law to the contrary, agencies of the state or its political subdivisions shall only require carbonated beverage dispensers to conform to the backflow protection requirements established in the National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an independent testing laboratory. The commission shall promulgate rules and regulations for collection of samples and analysis of water furnished by municipalities, corporations, companies, state establishments, federal establishments or individuals to the public. The department of natural resources or the department of health and senior services shall, at the request of any supplier, make any analyses or tests required pursuant to the terms of section 192.320 and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost of laboratory services, both within the department of natural resources and the department of health and senior services, laboratory certification and program administration as required by sections 640.100 to 640.140. The laboratory services and program administration

fees pursuant to this subsection shall not exceed two hundred dollars for a supplier supplying less than four thousand one hundred service connections, three hundred dollars for supplying less than seven thousand six hundred service connections, five hundred dollars for supplying seven thousand six hundred or more service connections, and five hundred dollars for testing surface water. Such fees shall be deposited in the safe drinking water fund as specified in section 640.110. The analysis of all drinking water required by section 192.320 and sections 640.100 to 640.140 shall be made by the department of natural resources laboratories, department of health and senior services laboratories or laboratories certified by the department of natural resources.

4. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. Such records shall be available for public inspection during regular business hours.

5. (1) For the purpose of complying with federal requirements for maintaining the primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby directed to request appropriations from the general revenue fund and all other appropriate sources to fund the activities of the public drinking water program and in addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for each customer service connection with a public water system is hereby authorized to be imposed upon all customers of public water systems in this state. The fees collected shall not exceed the amounts specified in this subsection and the commission may set the fees, by rule, in a lower amount by proportionally reducing all fees charged pursuant to this subsection from the specified maximum amounts. Reductions shall be roughly proportional but in each case shall be divisible by twelve. Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections	\$ 3.24
1,001 to 4,000 connections	3.00
4,001 to 7,000 connections	2.76
7,001 to 10,000 connections	2.40
10,001 to 20,000 connections	2.16
20,001 to 35,000 connections	1.92
35,001 to 50,000 connections	1.56
50,001 to 100,000 connections	1.32
More than 100,000 connections	1.08.

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed seven dollars and forty-four cents; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed forty-one dollars and sixteen cents; and for customers with meters greater than four inches in size shall not exceed eighty-two dollars and forty-four cents.

(4) Customers served by multiple connections shall pay an annual user fee based on the above rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

6. Fees imposed pursuant to subsection 5 of this section shall become effective on August 28, 2006, and shall be collected by the public water system serving the customer beginning September 1, 2006, and continuing until such time that the safe drinking water commission, at its discretion, specifies a lower amount under subdivision (1) of subsection 5 of this section. The commission shall promulgate rules and regulations on the procedures for billing, collection and delinquent payment. Fees collected by a public water system pursuant to subsection 5 of this section are state fees. The annual fee shall be enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to the director of the department of revenue at frequencies not less than quarterly. Two percent of

the revenue arising from the fees shall be retained by the public water system for the purpose of reimbursing its expenses for billing and collection of such fees.

7. Imposition and collection of the fees authorized in subsection 5 of this section shall be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the federally delegated authority granted to the safe drinking water program within the department of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not be reinstated until the first day of the calendar quarter following the quarter during which such delegated authority is reinstated.

8. Fees imposed pursuant to subsection 5 of this section shall expire on September 1, [2012] 2017.

643.130. JUDICIAL REVIEW. — All final orders or determinations of the commission or the director hereunder shall be subject to judicial review pursuant to the provisions of sections 536.100 to 536.140, except that, the provisions of section 536.110 notwithstanding, all actions seeking judicial review of any final determination of the commission or the director **relating to part 70 operating permits and construction permits or permit applications filed under or related to the prevention of significant deterioration, major nonattainment area source, or major new source review programs** shall be filed in the court of appeals instead of in the circuit court. No judicial review shall be available hereunder, however, unless and until all administrative remedies are exhausted.

643.225. RULES FOR ASBESTOS ABATEMENT PROJECTS, STANDARDS AND EXAMINATIONS — CERTIFICATION REQUIREMENTS — APPLICATION — EXAMINATION, CONTENT — CERTIFICATE EXPIRES, WHEN — FEES — RENEWAL OF CERTIFICATE REQUIREMENTS — REFRESHER COURSE — FAILURE TO PASS EXAMINATION, MAY REPEAT EXAM, WHEN — FEE FOR RENEWAL — INAPPLICABILITY, EXEMPTION, WHEN, FEE. — 1. The provisions of sections 643.225 to 643.250 shall apply to all projects subject to 40 CFR Part 61, Subpart M as adopted by 10 CSR 10-6.080. The commission shall promulgate rules and regulations it deems necessary to implement and administer the provisions of sections 643.225 to 643.250, including requirements, procedures and standards relating to asbestos projects, as well as the authority to require corrective measures to be taken in asbestos abatement, renovation, or demolition projects as are deemed necessary to protect public health and the environment. The director shall establish any examinations for certification required by this section and shall hold such examinations at times and places as determined by the director.

2. Except as otherwise provided in sections 643.225 to 643.250, no individual shall engage in an asbestos abatement project, inspection, management plan, abatement project design or asbestos air sampling unless the person has been issued a certificate by the director, or by the commission after appeal, for that purpose.

3. In any application made to the director to obtain such certification as an inspector, management planner, abatement project designer, supervisor, contractor or worker from the department, the applicant shall include his diploma providing proof of successful completion of either a state accredited or United States Environmental Protection Agency (EPA) accredited training course as described in section 643.228. In addition, an applicant for certification as a management planner shall first be certified as an inspector. All applicants for certification as an inspector, management planner, abatement project designer, supervisor, contractor or worker shall successfully pass a state examination on Missouri state asbestos statutes and rules relating to asbestos. Certification issued hereunder shall expire one year from its effective date. Individuals applying for state certification as an asbestos air sampling professional shall have the following credentials:

- (1) A bachelor of science degree in industrial hygiene plus one year of experience in the field; or
 - (2) A master of science degree in industrial hygiene; or
-

(3) Certification as an industrial hygienist as designated by the American Board of Industrial Hygiene; or

(4) Three years of practical experience in the field of industrial hygiene, including significant asbestos air monitoring experience and the completion of a forty-hour asbestos course which includes air monitoring instruction (National Institute of Occupational Safety and Health 582 course on air sampling or equivalent). In addition to these qualifications, the individual must also pass the state of Missouri asbestos examination. All asbestos air sampling technicians shall be trained and overseen by an asbestos air sampling professional and shall meet the requirements of training found in OSHA's 29 CFR 1926.1101. Certification under this section as an abatement project designer does not qualify an individual as an architect, engineer or land surveyor, as defined in chapter 327.

4. An application fee of seventy-five dollars shall be assessed for each category, except asbestos abatement worker, to cover administrative costs incurred. An application fee of twenty-five dollars shall be assessed for each asbestos abatement worker to cover administrative costs incurred. A fee of twenty-five dollars shall be assessed per state examination.

5. In order to qualify for renewal of a certificate, an individual shall have successfully completed an annual refresher course from a state of Missouri accredited training program. For each discipline, the refresher course shall review and discuss current federal and state statute and rule developments, state-of-the-art procedures and key aspects of the initial training course, as determined by the state of Missouri. For all categories except inspectors, individuals shall complete a one-day annual refresher training course for recertification. Refresher courses for inspectors shall be at least a half-day in length. Management planners shall attend the inspector refresher course, plus an additional half-day on management planning. All refresher courses shall require an individual to successfully pass an examination upon completion of the course. In the case of significant changes in Missouri state asbestos statutes or rules, an individual shall also be required to take and successfully pass an updated Missouri state asbestos examination. An individual who has failed the Missouri state asbestos examination may retake it on the next scheduled examination date. If an individual has not successfully completed the annual refresher course within twelve months of the expiration of his or her certification, the individual shall be required to retake the course in his or her specialty area as described in this section. Failure to comply with the requirements for renewal of certification in this section will result in decertification. In no event shall certification or recertification constitute permission to violate sections 643.225 to 643.250 or any standard or rule promulgated under sections 643.225 to 643.250.

6. A fee of five dollars shall be paid to the state for renewal of certificates to cover administrative costs.

7. The provisions of subsections 2 to 6 of this section, section 643.228, subdivision (4) of subsection 1 of section 643.230, sections 643.232 and 643.235, subdivisions (1) to (3) of subsection 1 of section 643.237, and subsection 2 of section 643.237 shall not apply to a person that is subject to requirements and applicable standards of the United States Environmental Protection Agency (EPA) and the United States Occupational Safety and Health Administration's (OSHA) 29 Code of Federal Regulations 1926.58 and which engages in asbestos abatement projects as part of normal operations in the facility solely at its own place or places of business. A person shall receive an exemption upon submitting to the director, on a form provided by the department, documentation of the training provided to its employees to meet the requirements of applicable OSHA and EPA rules and regulations and the type of asbestos abatement projects which constitute normal operations performed by the applicant. If the application does not meet the requirements of this subsection and the rules and regulations promulgated by the department, the applicant shall be notified, within one hundred eighty days of the receipt of the application, that the exemption has been denied. An applicant may appeal the denial of an exemption to the commission within thirty days of the notice of denial. This exemption

shall not apply to asbestos abatement contractors, to those persons who the commission by rule determines provide a service to the public in its place or places of business as the economic foundation of the facility, or to those persons subject to the requirements of the federal Asbestos Hazard Emergency Response Act of 1986 (P.L. 99-519). A representative of the department shall be permitted to attend, monitor, and evaluate any training program provided by the exempted person. Such evaluations may be conducted without prior notice. Refusal to allow such an evaluation is sufficient grounds for loss of exemption status.

8. A fee of two hundred fifty dollars shall be submitted with the application for exemption under subsection 7 of this section. This shall be a one-time fee. An exempted person shall submit to the director changes in curricula or other significant revisions to its training program under this section as they occur.

9. All applications for exemption under subsection 7 of this section that are received and approved by the department prior to August 28, 2012, shall be considered valid. An exempted person under this subsection shall not be subject to the fee under subsection 8 of this section but shall submit to the director changes in curricula or other significant revisions to its training program as they occur.

644.016. DEFINITIONS. — When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated pursuant to sections 644.006 to 644.141, the following words and phrases mean:

(1) "Aquaculture facility", a hatchery, fish farm, or other facility used for the production of aquatic animals that is required to have a permit pursuant to the federal Clean Water Act, as amended, 33 U.S.C. 1251, et seq.;

(2) "Commission", the clean water commission of the state of Missouri created in section 644.021;

(3) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(4) "Department", the department of natural resources;

(5) "Director", the director of the department of natural resources;

(6) "Discharge", the causing or permitting of one or more water contaminants to enter the waters of the state;

(7) "Effluent control regulations", limitations on the discharge of water contaminants;

(8) "General permit", a permit written with a standard group of conditions and with applicability intended for a designated category of water contaminant sources that have the same or similar operations, discharges and geographical locations, and that require the same or similar monitoring, and that would be more appropriately controlled pursuant to a general permit rather than pursuant to a site-specific permit;

(9) **"General permit template", a draft general permit that is being developed through a public participation process;**

(10) "Human sewage", human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances;

[(10)] (11) "Income" includes retirement benefits, consultant fees, and stock dividends;

[(11)] (12) "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

[(12)] (13) "Permit by rule", a permit granted by rule, not by a paper certificate, and conditioned by the permit holder's compliance with commission rules;

[(13)] (14) "Permit holders or applicants for a permit" shall not include officials or employees who work full time for any department or agency of the state of Missouri;

[(14)] (15) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

[(15)] (16) "Point source", any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include agricultural storm water discharges and return flows from irrigated agriculture;

[(16)] (17) "Pollution", such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life;

[(17)] (18) "Pretreatment regulations", limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities which the commission determines are not susceptible to treatment by such works or facilities or which would interfere with their operation, except that wastes as determined compatible for treatment pursuant to any federal water pollution control act or guidelines shall be limited or treated pursuant to this chapter only as required by such act or guidelines;

[(18)] (19) "Residential housing development", any land which is divided or proposed to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan for residential housing;

[(19)] (20) "Sewer system", pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling;

[(20)] (21) "Significant portion of his or her income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age, and is receiving such portion pursuant to retirement, pension, or similar arrangement;

[(21)] (22) "Site-specific permit", a permit written for discharges emitted from a single water contaminant source and containing specific conditions, monitoring requirements and effluent limits to control such discharges;

[(22)] (23) "Treatment facilities", any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source;

[(23)] (24) "Water contaminant", any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant in such federal act;

[(24)] (25) "Water contaminant source", the point or points of discharge from a single tract of property on which is located any installation, operation or condition which includes any point source defined in sections 644.006 to 644.141 and nonpoint source pursuant to any federal water

pollution control act, which causes or permits a water contaminant therefrom to enter waters of the state either directly or indirectly;

[(25)] (26) "Water quality standards", specified concentrations and durations of water contaminants which reflect the relationship of the intensity and composition of water contaminants to potential undesirable effects;

[(26)] (27) "Waters of the state", all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.

644.026. POWERS AND DUTIES OF COMMISSION — RULES, PROCEDURE. — 1. The commission shall:

(1) Exercise general supervision of the administration and enforcement of sections 644.006 to 644.141 and all rules and regulations and orders promulgated thereunder;

(2) Develop comprehensive plans and programs for the prevention, control and abatement of new or existing pollution of the waters of the state;

(3) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions and industries in furtherance of the purposes of sections 644.006 to 644.141;

(4) Accept gifts, contributions, donations, loans and grants from the federal government and from other sources, public or private, for carrying out any of its functions, which funds shall not be expended for other than the purposes for which provided;

(5) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to water pollution and causes, prevention, control and abatement thereof as it may deem advisable and necessary for the discharge of its duties pursuant to sections 644.006 to 644.141;

(6) Collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

(7) After holding public hearings, identify waters of the state and prescribe water quality standards for them, giving due recognition to variations, if any, and the characteristics of different waters of the state which may be deemed by the commission to be relevant insofar as possible pursuant to any federal water pollution control act. These shall be reevaluated and modified as required by any federal water pollution control act;

(8) Adopt, amend, promulgate, or repeal after due notice and hearing, rules and regulations to enforce, implement, and effectuate the powers and duties of sections 644.006 to 644.141 and any required of this state by any federal water pollution control act, and as the commission may deem necessary to prevent, control and abate existing or potential pollution. **In addition to opportunities to submit written statements or provide testimony at public hearings in support of or in opposition to proposed rulemakings as required by section 536.021, any person who submits written comments or oral testimony on a proposed rule shall, at any public meeting to vote on an order of rulemaking or other commission policy, have the opportunity to respond to the proposed order of rulemaking or department of natural resources' response to comments to the extent that such response is limited to issues raised in oral or written comments made during the public notice comment period or public hearing on the proposed rule;**

(9) Issue, modify or revoke orders prohibiting or abating discharges of water contaminants into the waters of the state or adopting other remedial measures to prevent, control or abate pollution;

(10) Administer state and federal grants and loans to municipalities and political subdivisions for the planning and construction of sewage treatment works;

(11) Hold such hearings, issue such notices of hearings and subpoenas requiring the attendance of such witnesses and the production of such evidence, administer such oaths, and take such testimony as the commission deems necessary or as required by any federal water pollution control act. Any of these powers may be exercised on behalf of the commission by any members thereof or a hearing officer designated by it;

(12) Require the prior submission of plans and specifications, or other data including the quantity and types of water contaminants, and inspect the construction of treatment facilities and sewer systems or any part thereof in connection with the issuance of such permits or approval as are required by sections 644.006 to 644.141, except that manholes and polyvinyl chloride (PVC) pipe used for gravity sewers and with a diameter no greater than twenty-seven inches shall not be required to be tested for leakage;

(13) Issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control or abate pollution or any violations of sections 644.006 to 644.141 or any federal water pollution control act, permits for the discharge of water contaminants into the waters of this state, and for the installation, modification or operation of treatment facilities, sewer systems or any parts thereof. Such permit conditions, in addition to all other requirements of this subdivision, shall ensure compliance with all effluent regulations or limitations, water quality related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and time schedules thereunder as established by sections 644.006 to 644.141 and any federal water pollution control act; however, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works;

(14) Establish permits by rule. Such permits shall only be available for those facilities or classes of facilities that control potential water contaminants that pose a reduced threat to public health or the environment and that are in compliance with commission water quality standards rules, effluent rules or rules establishing permits by rule. Such permits by rule shall have the same legal standing as other permits issued pursuant to this chapter. Nothing in this section shall prohibit the commission from requiring a site-specific permit or a general permit for individual facilities;

(15) Require proper maintenance and operation of treatment facilities and sewer systems and proper disposal of residual waste from all such facilities and systems;

(16) Exercise all incidental powers necessary to carry out the purposes of sections 644.006 to 644.141, assure that the state of Missouri complies with any federal water pollution control act, retains maximum control thereunder and receives all desired federal grants, aid and benefits;

(17) Establish effluent and pretreatment and toxic material control regulations to further the purposes of sections 644.006 to 644.141 and as required to ensure compliance with all effluent limitations, water quality-related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and any time schedules thereunder, as established by any federal water pollution control act for point sources in this state, and where necessary to prevent violation of water quality standards of this state;

(18) Prohibit all discharges of radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of this state;

(19) Require that all publicly owned treatment works or facilities which receive or have received grants or loans from the state or the federal government for construction or improvement make all charges required by sections 644.006 to 644.141 or any federal water pollution control act for use and recovery of capital costs, and the operating authority for such works or facility is hereby authorized to make any such charges;

(20) Represent the state of Missouri in all matters pertaining to interstate water pollution including the negotiation of interstate compacts or agreements;

(21) Develop such facts and make such investigations as are consistent with the purposes of sections 644.006 to 644.141, and, in connection therewith, to enter or authorize any representative of the commission to enter at all reasonable times and upon reasonable notice in

or upon any private or public property for any purpose required by any federal water pollution control act or sections 644.006 to 644.141 for the purpose of developing rules, regulations, limitations, standards, or permit conditions, or inspecting or investigating any records required to be kept by sections 644.006 to 644.141 or any permit issued pursuant to sections 644.006 to 644.141, any condition which the commission or director has probable cause to believe to be a water contaminant source or the site of any suspected violation of sections 644.006 to 644.141, regulations, standards, or limitations, or permits issued pursuant to sections 644.006 to 644.141. The results of any such investigation shall be reduced to writing, and shall be furnished to the owner or operator of the property. No person shall refuse entry or access, requested for the purposes of inspection pursuant to this subdivision, to an authorized representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any representative for the purpose of enabling him or her to make such inspection. Information obtained pursuant to this section shall be available to the public unless it constitutes trade secrets or confidential information, other than effluent data, of the person from whom it is obtained, except when disclosure is required pursuant to any federal water pollution control act;

(22) Retain, employ, provide for, and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as may be necessary to carry out the provisions of sections 644.006 to 644.141 and prescribe the times at which they shall be appointed and their powers and duties;

(23) Secure necessary scientific, technical, administrative and operation services, including laboratory facilities, by contract or otherwise, with any educational institution, experiment station, or any board, department, or other agency of any political subdivision of the state or the federal government;

(24) Require persons owning or engaged in operations which do or could discharge water contaminants, or introduce water contaminants or pollutants of a quality and quantity to be established by the commission, into any publicly owned treatment works or facility, to provide and maintain any facilities and conduct any tests and monitoring necessary to establish and maintain records and to file reports containing information relating to measures to prevent, lessen or render any discharge less harmful or relating to rate, period, composition, temperature, and quality and quantity of the effluent, and any other information required by any federal water pollution control act or the director, and to make them public, except as provided in subdivision (21) of this section. The commission shall develop and adopt such procedures for inspection, investigation, testing, sampling, monitoring and entry respecting water contaminant and point sources as may be required for approval of such a program pursuant to any federal water pollution control act;

(25) Take any action necessary to implement continuing planning processes and areawide waste treatment management as established pursuant to any federal water pollution control act or sections 644.006 to 644.141.

2. No rule or portion of a rule promulgated pursuant to this chapter shall become effective unless it has been promulgated pursuant to chapter 536.

644.051. PROHIBITED ACTS — PERMITS REQUIRED, WHEN, FEE — BOND REQUIRED OF PERMIT HOLDERS, WHEN — PERMIT APPLICATION PROCEDURES — RULEMAKING — LIMITATION ON USE OF PERMIT FEE MONEYS — PERMIT SHIELD PROVISIONS. — 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the director for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the director for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The director shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the director determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the director shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the director determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the director shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act.

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule. [Prior to the development or renewal of a general permit or permit by rule, for aquaculture, the director shall convene a meeting or meetings of permit holders and applicants to evaluate the impacts of permits and to discuss any terms and conditions that may be necessary to protect waters of the state. Following the discussions, the director shall finalize a draft permit that considers the comments of the meeting participants and post the draft permit on notice for public comment. The director shall concurrently post with the draft permit an explanation of the draft permit and shall identify types of facilities which are subject to the permit conditions. Affected public or applicants for new general permits, renewed general

permits or permits by rule may request a hearing with respect to the new requirements in accordance with this section. If a request for a hearing is received, the commission shall hold a hearing to receive comments on issues of significant technical merit and concerns related to the responsibilities of the Missouri clean water law. The commission shall conduct such hearings in accordance with this section. After consideration of such comments, a final action on the permit shall be rendered. The time between the date of the hearing request and the hearing itself shall not be counted as time elapsed pursuant to subdivision (1) of subsection 14 of this section.]

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. After a final action is taken on a new or reissued general permit [template], a potential applicant for the general permit who can demonstrate that he or she is or may be adversely affected by any permit term or condition may appeal the terms and conditions of the general permit [template] within thirty days of the department's issuance of the general permit [template]. The commission shall set the matter for hearing not less than thirty days after the notice of appeal is filed]. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section that involves a permit, license, or registration, the burden of proof is on the party specified in section 640.012. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Permits may be modified, reissued, or terminated at the request of the permittee. All requests shall be in writing and shall contain facts or reasons supporting the request.

10. [Unless a site-specific permit is requested by the applicant, aquaculture facilities shall be governed by a general permit issued pursuant to this section with a fee not to exceed two hundred fifty dollars pursuant to subdivision (5) of subsection 6 of section 644.052. However, any aquaculture facility which materially violates the conditions and requirements of such permit may be required to obtain a site-specific permit.

11.] No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of [an] **a site-specific** operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit. **Applications seeking to renew coverage under a general permit shall be submitted at least thirty days prior to the expiration of the general permit, unless the permittee has been notified by the director that an earlier application must be made. General permits may be applied for and issued electronically once made available by the director.**

[12.] **11.** Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice

of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

[13.] **12.** The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities or facilities that utilize innovative technology for wastewater treatment in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. For the purposes of this section, "innovative technology for wastewater treatment" shall mean a completely new and generally unproven technology in the type or method of its application that bench testing or theory suggest has environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall be required for designs approved by any federal agency or environmental regulatory agency of another state. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

[14.] **13.** (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the [requested] permits within sixty days of the department's receipt of an application. **For an application seeking coverage under a renewed general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application seeking coverage under an initial general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the department's receipt of the application. For an application seeking coverage under a renewed general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application for an initial general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application.**

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute

appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

[15.] **14.** The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

[16.] **15.** All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

[17.] **16.** The department shall implement permit shield provisions equivalent to the permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the Clean Water Act Section 402(k), 33 U.S.C. 1342(k), and its implementing regulations, for permits issued pursuant to chapter 644.

17. Prior to the development of a new general permit or reissuance of a general permit for aquaculture, land disturbance requiring a stormwater permit, or reissuance of a general permit under which fifty or more permits were issued under a general permit during the immediately preceding five-year period for a designated category of water contaminant sources, the director shall implement a public participation process complying with the following minimum requirements:

(1) For a new general permit or reissuance of a general permit, a general permit template shall be developed for which comments shall be sought from permittees and other interested persons prior to issuance of the general permit;

(2) The director shall publish notice of his intent to issue a new general permit or reissue a general permit by posting notice on the department's website at least one-hundred eighty days before the proposed effective date of the general permit;

(3) The director shall hold a public informational meeting to provide information on anticipated permit conditions and requirements and to receive informal comments from permittees and other interested persons. The director shall include notice of the public informational meeting with the notice of intent to issue a new general permit or reissue a general permit under subdivision)2(of this subsection. The notice of the public informational meeting, including the date, time and location, shall be posted on the

department's website at least thirty days in advance of the public meeting. If the meeting is being held for reissuance of a general permit, notice shall also be made by electronic mail to all permittees holding the current general permit which is expiring. Notice to current permittees shall be made at least twenty days prior to the public meeting;

(4) The director shall hold a thirty-day public comment period to receive comments on the general permit template with the thirty-day comment period expiring at least sixty days prior to the effective date of the general permit. Scanned copies of the comments received during the public comment period shall be posted on the department's website within five business days after close of the public comment period;

(5) A revised draft of a general permit template and the director's response to comments submitted during the public comment period shall be posted on the department's website at least forty-five days prior to issuance of the general permit. At least forty-five days prior to issuance of the general permit the department shall notify all persons who submitted comments to the department that these documents have been posted to the department's website;

(6) Upon issuance of a new or renewed general permit, the general permit shall be posted to the department's website.

18. Notices required to be made by the department pursuant to subsection 17 of this section may be made by electronic mail. The department shall not be required to make notice to any permittee or other person who has not provided a current electronic mail address to the department. In the event the department chooses to make material modifications to the general permit before its expiration, the department shall follow the public participation process described in subsection 17 of this section.

19. The provisions of subsection 17 of this section shall become effective beginning January 1, 2013.

644.071. JUDICIAL REVIEW AUTHORIZED. — 1. All final orders or determinations of the commission or the director made pursuant to the provisions of sections 644.006 to 644.141 are subject to judicial review pursuant to the provisions of chapter 536, except that, the provisions of section 536.110 notwithstanding, all actions seeking judicial review of any final order or determination of the commission or the director **that relates to permits affecting a utility** shall be filed in the court of appeals instead of in the circuit court. No judicial review shall be available, however, unless and until all administrative remedies are exhausted.

2. In any suit filed pursuant to section 536.050 concerning the validity of the commission's standards, rules and regulations, the court shall review the record made before the commission to determine the validity and reasonableness of such standards, rules, limitations, and regulations and may hear such additional evidence as it deems necessary.

644.145. AFFORDABILITY FINDING REQUIRED, WHEN — DEFINITIONS — PROCEDURES TO BE ADOPTED — APPEAL OF DETERMINATION. — 1. When issuing permits under this chapter **that incorporate a new requirement** for discharges from **publicly owned** combined or separate sanitary **or storm** sewer systems or [publicly owned] treatment works, or when enforcing provisions of this chapter or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., pertaining to any portion of a **publicly owned** combined or separate sanitary **or storm** sewer system or [publicly owned] treatment works, the department of natural resources shall make a finding of affordability upon which to base such permits and decisions, to the extent allowable under this chapter and the Federal Water Pollution Control Act.

2. (1) **The department of natural resources shall not be required under this section to make a finding of affordability when:**

(a) Issuing collection system extension permits;

(b) Issuing National Pollution Discharge Elimination System operating permit renewals which include no new environmental requirements; or

(c) The permit applicant certifies that the applicable requirements are affordable to implement or otherwise waives the requirement for an affordability finding; however, at no time shall the department require that any applicant certify, as a condition to approving any permit, administrative or civil action, that a requirement, condition, or penalty is affordable;

(2) The exceptions provided under paragraph (c) of subdivision (1) of this subsection do not apply when the community being served has less than three thousand three hundred residents.

3. When used in this chapter and in standards, rules and regulations promulgated pursuant to this chapter, the following words and phrases mean:

(1) "Affordability", with respect to payment of a utility bill, a measure of whether an individual customer or household can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, taking into consideration the criteria described in subsection [3] 4 of this section;

(2) "Financial capability", the financial capability of a community to make investments necessary to make water quality-related improvements.

[3.] 4. The department of natural resources shall adopt procedures by which it will [determine whether a] **make affordability findings that evaluate the affordability of permit [or decision is affordable] requirements and enforcement actions described in subsection 1 of this section, and may begin implementing such procedures prior to promulgating implementing regulations. The commission shall have the authority to promulgate rules to implement this section pursuant to chapters 536 and 644, and shall promulgate such rules as soon as practicable.** [Such determination] **Affordability findings** shall be based upon reasonably [available empirical] **verifiable** data and shall include an assessment of [the] affordability [of the permit or decision to any private or public person] **with respect to persons or [entity] entities** affected [by such permit]. **The department shall offer the permittee an opportunity to review a draft affordability finding, and the permittee may suggest changes and provide additional supporting information, subject to subsection 6 of this section.** The [determination] **finding** shall be based upon the following criteria:

(1) A community's financial capability and ability to raise or secure necessary funding;

(2) Affordability of pollution control options for the individuals or households of the community;

(3) An evaluation of the overall costs and environmental benefits of the control technologies;

(4) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low- and fixed-income populations. This requirement includes but is not limited to:

(a) Allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and

(b) Allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained;

(5) An assessment of other community investments relating to environmental improvements;

(6) An assessment of factors set forth in the United States Environmental Protection Agency's guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards; and

(7) An assessment of any other relevant local community economic condition.

[4.] 5. Prescriptive formulas and measures used in determining financial capability, affordability, and thresholds for expenditure, such as median household income, should not be considered to be the only indicator of a community's ability to implement control technology and shall be viewed in the context of other economic conditions rather than as a threshold to be achieved.

[5.] 6. **Reasonable time spent preparing draft affordability findings, allowing permittees to review draft affordability findings or draft permits, or revising draft affordability findings, shall be allowed in addition to the department's deadlines for making permitting decisions pursuant to section 644.051.**

7. If the department of natural resources fails to make a finding of affordability [as indicated in] **where required** by this section, **then** the [proposed] **resulting** permit or decision shall be null, void and unenforceable.

[6.] 8. The department of natural resources' findings under this section may be appealed to the commission pursuant to subsection 6 of section 644.051.

650.230. EXEMPTIONS. — 1. Sections 650.200 to 650.290 shall not apply to the following boilers and pressure vessels:

(1) Boilers and pressure vessels under federal control or subject to inspection or regulation by a federal or state agency;

(2) Pressure vessels used for the transportation and storage of compressed gases or liquefied petroleum gases which comply with the standards promulgated by the National Fire Protection Association as adopted pursuant to chapter 323 or the United States Department of Transportation regulations, as appropriate to the use of the vessel;

(3) Pressure vessels located on vehicles operating under the rule of other state authorities and used for carrying passengers or freight;

(4) Pressure vessels installed on the right-of-way of railroads and used directly in the operation of trains;

(5) Pressure vessels that do not exceed:

(a) [Fifteen cubic feet in volume and two hundred fifty psig when not located in a place of public assembly] **An operating pressure of fifteen psig;**

(b) [Five] **One and one-half** cubic feet in volume [and two hundred fifty psig when located in a place of public assembly; or] **with no limitation on pressure;**

(c) [One and one-half cubic feet in volume or] An inside diameter of six inches with no limitation on pressure; **or**

(d) An operating pressure of two hundred psig or ten cubic feet in volume;

(6) [Pressure vessels designed for and operating at a working pressure not exceeding fifteen psig;

(7)] Vessels with a nominal water containing capacity of one hundred twenty gallons or less for containing water under pressure, including those containing air, the compression of which serves only as a cushion;

[(8)] (7) Boilers and pressure vessels located on farms and used solely for agricultural purposes;

[(9)] (8) Any boiler constructed, reconstructed or maintained as a personal hobby or for other recreation purposes; and

[(10)] (9) Vessels containing water and operating as water softeners, water filters, dealkalizers, demineralizers and cold water storage tanks when:

(a) The temperature of the water in the vessel does not exceed one hundred twenty degrees Fahrenheit; and

(b) Heat is not applied to the water prior to entering the vessel or to the vessel itself; and

(c) The pressure of the water in the vessel does not exceed one hundred fifty psig; and

(d) The vessel does not contain any hazardous, toxic or explosive material.

2. The following boilers and pressure vessels shall be exempt from the requirements of sections 650.260 to 650.275:

- (1) Boilers or pressure vessels located in canneries and used solely for canning purposes;
- (2) Steam boilers used for heating purposes carrying a pressure of not more than fifteen psig, and which are located in private residences or in apartment houses of less than six families and steam boilers used for heating purposes carrying a pressure of not more than ten psig and having a rating of not to exceed one thousand two hundred square feet of radiation;
- (3) Hot water heating boilers carrying pressure of not more than thirty psig, and which are located in private residences or in apartment houses of less than six families, and hot water heating boilers carrying pressure of not more than twenty psig, and having a rating of not to exceed two thousand square feet of radiation;
- (4) Steam boilers of a miniature model locomotive or boat or tractor or stationary engine constructed and maintained as a hobby and not for commercial use, having an inside diameter not to exceed twelve inches and a grate area not to exceed one and one-half feet and that is equipped with a safety valve of adequate capacity, a water level indicator and a pressure gauge;
- (5) Hot water supply boilers operated at pressures not exceeding one hundred sixty psig, or temperatures not exceeding two hundred fifty degrees Fahrenheit which are located in private residences or in apartment houses of less than six family units;
- (6) Service water heaters or domestic type water heaters having a nominal water containing capacity not in excess of one hundred twenty gallons, a heat input not in excess of two hundred thousand British thermal units per hour and used exclusively for heating service water to a temperature not in excess of two hundred ten degrees Fahrenheit;
- (7) Pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping system, when located in private residences or in apartment houses of less than six family units.

701.550. DEFINITIONS — REQUIREMENTS FOR TOWERS 50 FEET OR HIGHER — VIOLATION, PENALTY. — 1. As used in this section the following terms mean:

- (1) "Anemometer", an instrument for measuring and recording the speed of the wind;
- (2) "Anemometer tower", a structure, including all guy wires and accessory facilities, that has been constructed solely for the purpose of mounting an anemometer to document whether a site has wind resources sufficient for the operation of a wind turbine generator;
- (3) "Area surrounding the anchor point", an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point.

2. Any anemometer tower that is fifty feet in height above the ground or higher that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law, shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before August 28, 2012, shall be marked as required in this section by January 1, 2014. Any anemometer tower that is erected on or after August 28, 2012, shall be marked as required in this section at the time it is erected. Marking required under this section includes marking the anemometer tower, guy wires, and accessory facilities as follows:

- (1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;
- (2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;

(3) The area surrounding each point where a guy wire is anchored to the ground shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area surrounding the anchor point shall be fenced; and

(4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.

3. A violation of this section is a class B misdemeanor.

260.255. NEWSPAPERS, DUTY TO RECYCLE, REQUIREMENTS — STATEMENT TO BE FILED WITH DEPARTMENT, PENALTY. — 1. After January 1, 1994, each newspaper publisher in this state with an average daily distribution on days published of more than fifteen thousand copies shall file a statement with the department of natural resources certifying the total number of tons of newsprint used during the past calendar year, and the average recycled content of such newsprint. The statement shall declare whether the following target percentages have been met for the past year, and if not met, shall contain a statement explaining why the newspaper publisher failed to meet the target percentages.

2. The target recycled content usage for each newspaper publisher for each year shall be:

- (1) 1993, ten percent;
- (2) 1994, twenty percent;
- (3) 1995, thirty percent;
- (4) 1996, forty percent;
- (5) 2000, and subsequent years, fifty percent.

3. Any newspaper publisher who fails to file a statement with or seek a waiver from the department, or who files a statement containing misleading or deceptive information, shall be a violation of this section, punishable by a civil fine of not more than one hundred dollars per day for each day the violation continues. Penalties imposed under this section shall be deposited into the solid waste management fund and shall be used to further the purposes of sections 260.200 to 260.345.]

SECTION B. EMERGENCY CLAUSE. — Because of the immediate need to protect tourism in this state, the repeal and reenactment of section 577.073 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 577.073 of this act shall be in full force and effect upon its passage and approval.

Approved July 10, 2012

HB 1280 [SS SCS HCS HB 1280]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes a peer review process for services provided by a licensed architect, landscape architect, professional land surveyor, or professional engineer

AN ACT to amend chapter 537, RSMo, by adding thereto one new section relating to a peer review process for licensed architects, landscape architects, land surveyors, and engineers.

SECTION

- A. Enacting clause.
537.033. Design professionals — peer review process, requirements — expiration date.

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

SECTION A. ENACTING CLAUSE. — Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.033, to read as follows:

537.033. DESIGN PROFESSIONALS — PEER REVIEW PROCESS, REQUIREMENTS — EXPIRATION DATE. — 1. As used in this section, unless the context clearly indicates otherwise, the following words and terms shall have the meanings indicated:

(1) "Design professional", an architect, landscape architect, professional land surveyor, or professional engineer licensed under the provisions of chapter 327 or any corporation authorized to practice architecture, landscape architecture, land surveying, or engineering under section 327.401 while acting within their scope of practice;

(2) "Lessons learned", internal meetings, classes, publications in any medium, presentations, lectures, or other means of teaching and communicating after substantial completion of the project which are conducted solely and exclusively by and with the employees, partners, and coworkers of the design professional who prepared the project's design for the purpose of learning best practices and reducing errors and omissions in design documents and procedures. Lessons learned shall not include presentations, lectures, teaching, or communication made to or by third parties who are not employees, partners, and coworkers of the design professional whose work is being evaluated and discussed;

(3) "Peer review process", a process through which design professionals evaluate, maintain, or monitor the quality and utilization of architectural, landscape architectural, land surveying, or engineering services, prepare internal lessons learned, or exercise any combination of such responsibilities;

(4) "Substantial completion", the construction of the project covered by the design professional's design documents has reached substantial completion, as that term is defined in section 436.327.

2. A peer review process shall only be performed by a design professional licensed in any jurisdiction in the United States in the same profession as would be required under chapter 327 to prepare the design documents being reviewed, or in a case requiring multiple professions, by a person or persons holding the proper licenses. A peer review process may be performed by one or more design professionals appointed by the partners, shareholders, board of directors, chief executive officer, quality control director, or employed design professionals of a partnership or of a corporation authorized under section 327.401 to practice architecture, landscape architecture, land surveying, or engineering, or by the owner of a sole proprietorship engaged in one or more of such professions. Any individual identified in this subsection and performing a peer review shall be deemed a peer reviewer.

3. Each peer reviewer described in this subsection shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice, and are reasonably related to the scope of inquiry of the peer review process. The immunity in this subsection is intended to cover only outside peer reviews by a third-party design professional who is not an employee, coworker, or partner of the design professional whose design is being peer reviewed before substantial completion of the project and who has no other role in the project besides performing the peer review.

4. This section does not provide immunity to any in-house peer reviewer when performed by employees, coworkers, or partners of the design professional who prepares the design, nor are any such documents or peer review comments, other than lessons learned, inadmissible into evidence in any judicial or administrative action.

5. Except for documents related to lessons learned, the interviews, memoranda, proceedings, findings, deliberations, reports, and minutes of the peer review process, or the existence of the same, concerning the professional services provided to a client or member of the public are subject to discovery, subpoena, or other means of legal

compulsion for their release to any person or entity and shall be admissible into evidence in any judicial or administrative action for failure to provide appropriate architectural, landscape architectural, land surveying, or engineering services, subject to applicable rules of the court or tribunal. Except as otherwise provided in this section, no person who was in attendance at, or participated in, any lessons learned process or proceedings shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation made in a lessons learned process or proceeding; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during a lessons learned process or proceeding nor is a member, employee, or agent involved in any such process or proceeding, or other person appearing before a peer reviewer, to be prevented from testifying as to matters within his or her personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about a lessons learned process or proceeding or about opinions formed as a result of such process or proceeding. The disclosure of any memoranda, proceedings, reports, or minutes of a lessons learned proceeding to any person or entity, including but not limited to governmental agencies, professional accrediting agencies, or other design professionals, whether proper or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

6. Nothing in this section shall limit authority otherwise provided by law of the Missouri board for architects, professional engineers, professional land surveyors, and landscape architects to obtain information by subpoena or other authorized process from a peer reviewer or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such licensing board.

7. The provisions of this section shall expire on January 1, 2023, unless reauthorized by an act of the general assembly. The provisions of this section shall continue to apply to peer reviews and lessons learned proceedings performed prior to the expiration date of this section.

Approved July 10, 2012

HB 1308 [HCS HB 1308]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Repeals the requirement that certain irrevocable standby letters of credit possess the highest rating issued by specified nationally recognized agencies to be acceptable collateral for public deposits

AN ACT to repeal section 30.270, RSMo, and to enact in lieu thereof one new section relating to pledged securities for safekeeping.

SECTION

- A. Enacting clause.
30.270. Security for safekeeping of state funds.

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

SECTION A. ENACTING CLAUSE. — Section 30.270, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 30.270, to read as follows:

30.270. SECURITY FOR SAFEKEEPING OF STATE FUNDS. — 1. For the security of the moneys deposited by the state treasurer pursuant to the provisions of this chapter, the state treasurer shall, from time to time, submit a list of acceptable securities to be approved by the governor and state auditor if satisfactory to them, and the state treasurer shall require of the selected and approved banks or financial institutions as security for the safekeeping and payment of deposits, securities from the list provided for in this section, which list shall include only securities of the following kind and character, unless it is determined by the state treasurer that the use of such securities as collateral may place state public funds at undue risk:

- (1) Bonds or other obligations of the United States;
- (2) Bonds or other obligations of the state of Missouri including revenue bonds issued by state agencies or by state authorities created by legislative enactment;
- (3) Bonds or other obligations of any city in this state having a population of not less than two thousand;
- (4) Bonds or other obligations of any county in this state;
- (5) Approved registered bonds or other obligations of any school district, including certificates of participation and leasehold revenue bonds, situated in this state;
- (6) Approved registered bonds or other obligations of any special road district in this state;
- (7) State bonds or other obligations of any state;
- (8) Notes, bonds, debentures or other similar obligations issued by the farm credit banks or agricultural credit banks or any other obligations issued pursuant to the provisions of an act of the Congress of the United States known as the Farm Credit Act of 1971, and acts amendatory thereto;
- (9) Bonds of the federal home loan banks;
- (10) Any bonds or other obligations guaranteed as to payment of principal and interest by the government of the United States or any agency or instrumentality thereof;
- (11) Bonds of any political subdivision established pursuant to the provisions of section 30, article VI of the Constitution of Missouri;
- (12) Tax anticipation notes issued by any county of the first classification;
- (13) A surety bond issued by an insurance company licensed pursuant to the laws of the state of Missouri whose claims-paying ability is rated in the highest category by at least one nationally recognized statistical rating agency. The face amount of such surety bond shall be at least equal to the portion of the deposit to be secured by the surety bond;
- (14) An irrevocable standby letter of credit issued by a Federal Home Loan Bank [possessing the highest rating issued by at least one nationally recognized statistical rating agency];
- (15) Out-of-state municipal bonds, including certificates of participation and leasehold revenue bonds, provided such bonds are rated in the highest category by at least one nationally recognized statistical rating agency;
- (16) (a) Mortgage securities that are individual loans that include negotiable promissory notes and the first lien deeds of trust securing payment of such notes on one to four family real estate, on commercial real estate, or on farm real estate located in Missouri or states adjacent to Missouri, provided such loans:
 - a. Are underwritten to conform to standards established by the state treasurer, which are substantially similar to standards established by the Federal Home Loan Bank of Des Moines, Iowa, and any of its successors in interest that provide funding for financial institutions in Missouri;
 - b. Are offered by a financial institution in which a senior executive officer certifies under penalty of perjury that such loans are compliant with the requirements of the Federal Home Loan Bank of Des Moines, Iowa, when such loans are pledged by such bank;
 - c. Are offered by a financial institution that is well capitalized; and
 - d. Are not construction loans, are not more than ninety days delinquent, have not been classified as substandard, doubtful, or subject to loss, are one hundred percent owned by the

financial institution, are otherwise unencumbered and are not being temporarily warehoused in the financial institution for sale to a third party. Any disqualified mortgage securities shall be removed as collateral within ninety days of disqualification or the state treasurer may disqualify such collateral as collateral for state funds;

(b) The state treasurer may promulgate regulations and provide such other forms or agreements to ensure the state maintains a first priority position on the deeds of trust and otherwise protect and preserve state funds. 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, 2005, shall be invalid and void;

(c) A status report on all such mortgage securities shall be provided to the state treasurer on a calendar monthly basis in the manner and format prescribed by the state treasurer by the financial institutions pledging such mortgage securities and also shall certify their compliance with subsection 2 for such mortgage securities;

(d) In the alternative to paragraph (a) of this subdivision, a financial institution may provide a blanket lien on all loans secured by one to four family real estate, all loans secured by commercial real estate, all loans secured by farm real estate, or any combination of these categories, provided the financial institution secures such blanket liens with real estate located in Missouri and states adjacent to Missouri and otherwise complies with paragraphs (b) and (c) of this subdivision;

(e) The provisions of paragraphs (a) to (d) of this subdivision are not authorized for any Missouri political subdivision, notwithstanding the provisions of chapter 110 to the contrary;

(f) As used in this subdivision, the term "unencumbered" shall mean mortgage securities pledged for state funds as provided in subsection 1 of this section, and not subject to any other express claims by any third parties, including but not limited to a blanket lien on the bank assets by the Federal Home Loan Bank, a depository arrangement when securities are loaned and repurchased daily or otherwise, or the depository has pledged its stock and assets for a loan to purchase another depository or otherwise; and

(g) As used in this subdivision, the term "well capitalized" shall mean a banking institution that according to its most recent report of condition and income or thrift financial report, publicly available as applicable, qualifies as well capitalized under the uniform capital requirements established by the federal banking regulators or as determined by state banking regulators under substantially similar requirements;

(17) Any investment that the state treasurer may invest in as provided in article IV, section 15 of the Missouri Constitution, and subject to the state treasurer's written investment policy in section 30.260, that is not otherwise provided for in this section, provided the banking institution or eligible lending institution as defined in subdivision (10) of section 30.750 is well capitalized, as defined in subdivision (16) of this subsection. The provisions of this subdivision are not authorized for political subdivisions, notwithstanding the provisions of chapter 110 to the contrary.

2. Securities deposited shall be in an amount valued at market equal at least to one hundred percent of the aggregate amount on time deposit as well as on demand deposit with the particular financial institution less the amount, if any, which is insured either by the Federal Deposit Insurance Corporation or by the National Credit Unions Share Insurance Fund. Furthermore, for a well-capitalized banking institution, securities authorized in this section that are:

(1) Mortgage securities on loans secured on one to four family real estate appraised to reflect the market value at the time of the loan and deposited as collateral shall not exceed one hundred twenty-five percent of the aggregate amount of time deposits and demand deposits;

(2) Mortgage securities on loans secured on commercial real estate or on farm real estate appraised to reflect the market value at the time of the loan and deposited as collateral shall not exceed the collateral requirements of the Federal Home Loan Bank of Des Moines, Iowa;

(3) United States Treasury securities and United States Federal Agency debentures issued by Fannie Mae, Freddie Mac, the Federal Home Loan Bank, or the Federal Farm Credit Bank valued at market and deposited as collateral shall not exceed one hundred five percent of the aggregate amount of time deposits and demand deposits. All other securities, except as noted elsewhere in this section valued at market and deposited as collateral shall not exceed one hundred fifteen percent of the aggregated amount of the time deposits and demand deposits; and

(4) Securities that are surety bonds and letters of credit authorized as collateral need only collateralize one hundred percent of the aggregate amount of time deposits and demand deposits.

3. The securities or book entry receipts shall be delivered to the state treasurer and receipted for by the state treasurer and retained by the treasurer or by financial institutions that the governor, state auditor and treasurer agree upon. The state treasurer shall from time to time inspect the securities and book entry receipts and see that they are actually held by the state treasury or by the financial institutions selected as the state depositories. The governor and the state auditor may inspect or request an accounting of the securities or book entry receipts, and if in any case, or at any time, the securities are not satisfactory security for deposits made as provided by law, they may require additional security to be given that is satisfactory to them.

4. Any securities deposited pursuant to this section may from time to time be withdrawn and other securities described in the list provided for in subsection 1 of this section may be substituted in lieu of the withdrawn securities with the consent of the treasurer; but a sufficient amount of securities to secure the deposits shall always be held by the treasury or in the selected depositories.

5. If a financial institution of deposit fails to pay a deposit, or any part thereof, pursuant to the terms of its contract with the state treasurer, the state treasurer shall forthwith convert the securities into money and disburse the same according to law.

6. Any financial institution making deposits of bonds with the state treasurer pursuant to the provisions of this chapter may cause the bonds to be endorsed or stamped as it deems proper, so as to show that they are deposited as collateral and are not transferable except upon the conditions of this chapter or upon the release by the state treasurer.

Approved July 12, 2012

HB 1315 [HB 1315]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires a leave to be granted to state employees and certain other employees who are members of the United States Coast Guard Auxiliary when performing authorized military duties

AN ACT to amend chapter 41, RSMo, by adding thereto one new section relating to state employee leave for members of the United States Coast Guard Auxiliary.

SECTION

A. Enacting clause.

41.1005. State employee leave for Coast Guard duty, when limitations — salary, leave benefit — attorney general to enforce.

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

SECTION A. ENACTING CLAUSE. — Chapter 41, RSMo, is amended by adding thereto one new section, to be known as section 41.1005, to read as follows:

41.1005. STATE EMPLOYEE LEAVE FOR COAST GUARD DUTY, WHEN LIMITATIONS — SALARY, LEAVE BENEFIT — ATTORNEY GENERAL TO ENFORCE. — 1. Except as otherwise provided in this subsection, any employee of the state of Missouri who is or may become a member of the United States Coast Guard Auxiliary may be granted leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating or of any other rights or benefits to which such person would otherwise be entitled, for periods during which such person is engaged in the performance of the United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the appropriate United States Coast Guard order issuing authority or such person's designated representative. Leave for such service shall be for not more than fifteen working days in any state fiscal year, or without regard to length of time when responding to a state or nationally declared emergency or disaster in the state of Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The employee shall be released from work upon request from the member's appropriate United States Coast Guard authority or such member's designated representative. The state of Missouri or the employee's appointing authority thereof shall compensate an employee granted leave under this section at the employee's regular rate of pay for regular work hours during which the employee is absent from the employee's regular place of employment for the state of Missouri. Any leave granted under this section shall not affect the employee's leave status.

2. Before any payment of salary is made covering the period of the leave, the employee shall file with the appointing authority or supervising agency evidence that such employee participated in emergency services duty or other United States Coast Guard or United States Coast Guard Auxiliary duties from the appropriate Coast Guard or Coast Guard Auxiliary authority.

3. No member of the United States Coast Guard Auxiliary shall be discharged from employment because of being a member of the United States Coast Guard Auxiliary or holding any office, position, or appointment under the United States Coast Guard Auxiliary, nor otherwise discriminated against or dissuaded from joining or continuing such person's service in the United States Coast Guard Auxiliary by threat or injury to such person in respect to such person's employment, or of any other rights or benefits to which the employee would otherwise be entitled.

4. Any employee of an employer with fifty or more employees who is or may become a member of the United States Coast Guard Auxiliary shall be granted a leave of absence from their respective duties, without loss of time, regular leave, or of any other rights or benefits to which the employee would otherwise be entitled, for periods during which the employee is engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the Director of Auxiliary (DIRAUX) or other appropriate United States Coast Guard authority. Leave for such service shall be for no more than fifteen working days in any calendar year, or without regard to the length of time when responding to a state or nationally declared emergency in the state of Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The employer shall not be obligated to pay a salary to the employee during this leave of absence. The employer shall have the right to request that the employee be exempted from responding to a specific mission and the member's supervising Director of Auxiliary or other appropriate United States Coast Guard or United States Coast Guard Auxiliary authority shall honor such request.

5. The attorney general shall enforce the rights contained in this section for members of the United States Coast Guard Auxiliary.

Approved July 6, 2012

HB 1318 [SS HB 1318]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the use of a Social Security number as an employee number and the laws regarding mental health

AN ACT to repeal sections 407.1355, 630.170, and 632.501, RSMo, and to enact in lieu thereof five new sections relating to facilities that conduct mental health services, with penalty provisions.

SECTION

- A. Enacting clause.
- 407.1355. Social Security numbers, prohibited actions involving.
- 559.117. Mental health assessment pilot program — offenders eligible — report to sentencing court — no probation, when — report to governor and general assembly.
- 630.170. Disqualification for employment because of conviction — appeal process — criminal record review, procedure — registry maintained, when — appeals procedure.
- 630.945. Maximum and intermediate facilities, work hours limited — exception for emergencies.
- 632.501. Petition for release — hearing (when director approves).

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

SECTION A. ENACTING CLAUSE. — Sections 407.1355, 630.170, and 632.501, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 407.1355, 559.117, 630.170, 630.945, and 632.501, to read as follows:

407.1355. SOCIAL SECURITY NUMBERS, PROHIBITED ACTIONS INVOLVING. — 1. Except as provided in this section a person or entity, not including a state or local agency, shall not do any of the following:

(1) Publicly post or publicly display in any manner an individual's Social Security number. "Publicly post" or "publicly display" is defined in this section to intentionally communicate or otherwise make available to the general public or to an individual's co-workers;

(2) Require an individual to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted;

(3) Require an individual to use his or her Social Security number to access an internet website, unless a password, unique personal identification number, or other authentication device is also required to access the internet website;

(4) Require an individual to use his or her Social Security number as an employee number for any type of employment-related activity;

(5) Require an individual to use the last four digits of his or her Social Security number as an employee number for any type of employment-related activity.

2. The provisions of [subsection 1 of this section apply only to the use of Social Security numbers on or after January 1, 2006] **subdivision (5) of subsection 1 of this section shall only apply to such use after December 31, 2015.**

3. This section does not prevent the collection, use, or release of a Social Security number as required by state or federal law or the use of a Social Security number for internal verification or administrative purposes.

4. This section does not apply to documents that are recorded or required to be open to the public pursuant to chapter 610. This section does not apply to records that are required by statute, case law, or Missouri court rules to be made available to the public.

5. If a federal law takes effect requiring the United States Department of Health and Human Services to establish a national unique patient health identifier program, any person or entity that complies with the federal law shall be deemed in compliance with this section.

559.117. MENTAL HEALTH ASSESSMENT PILOT PROGRAM — OFFENDERS ELIGIBLE — REPORT TO SENTENCING COURT — NO PROBATION, WHEN — REPORT TO GOVERNOR AND GENERAL ASSEMBLY. — 1. The director of the department of corrections is authorized to establish, as a three-year pilot program, a mental health assessment process.

2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the criminal case in a participating county may request that an offender be placed in the department of corrections for one hundred twenty days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or mental illness such that the offender may qualify for probation including community psychiatric rehabilitation (CPR) programs and such probation is appropriate and not inconsistent with public safety. Before the judge rules upon the motion, the victim shall be given notice of such motion and the opportunity to be heard. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health assessment process.

3. Following this assessment and treatment period, an assessment report shall be sent to the sentencing court and the sentencing court may, if appropriate, release the offender on probation. The offender shall be supervised on probation by a state probation and parole officer, who shall work cooperatively with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.

4. Notwithstanding any other provision of law, probation shall not be granted under this section to offenders who:

(1) Have been found guilty of, or plead guilty to, murder in the second degree under section 565.021;

(2) Have been found guilty of, or plead guilty to, forcible rape under section 566.030;

(3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under section 566.032;

(4) Have been found guilty of, or plead guilty to, forcible sodomy under section 566.060;

(5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree under section 566.062;

(6) Have been found guilty of, or plead guilty to, child molestation in the first degree under section 566.067 when classified as a class A felony;

(7) Have been found to be a predatory sexual offender under section 558.018; or

(8) Have been found guilty of, or plead guilty to, any offense for which there exists a statutory prohibition against either probation or parole.

5. At the end of the three-year pilot, the director of the department of corrections and the director of the department of mental health shall jointly submit recommendations to the governor and to the general assembly by December 31, 2015, on whether to expand the process statewide.

630.170. DISQUALIFICATION FOR EMPLOYMENT BECAUSE OF CONVICTION — APPEAL PROCESS — CRIMINAL RECORD REVIEW, PROCEDURE — REGISTRY MAINTAINED, WHEN — APPEALS PROCEDURE. — 1. A person who is listed on the department of mental health disqualification registry pursuant to this section, who is listed on the department of social services or the department of health and senior services employee disqualification list pursuant to section

660.315, or who has been convicted of or pled guilty or nolo contendere to any crime pursuant to section 565.210, 565.212, or 565.214, or section 630.155 or 630.160 shall be disqualified from holding any position in any public or private facility [or] , day program, **residential facility, or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded** [or licensed] by the department or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632.

2. A person who has been convicted of or pled guilty or nolo contendere to any felony offense against persons as defined in chapter 565; any felony sexual offense as defined in chapter 566; any felony offense defined in section 568.020, 568.045, 568.050, 568.060, 569.020, 569.025, 569.030, 569.035, 569.040, 569.050, 569.070, or 569.160, or of an equivalent felony offense, or who has been convicted of or pled guilty or nolo contendere to any violation of subsection 3 of section 198.070, or has been convicted of or pled guilty or nolo contendere to any offense requiring registration under section 589.400, shall be disqualified from holding any direct-care position in any public or private facility, day program, residential facility or specialized service operated, **licensed, certified, accredited, in possession of deemed status, or funded** [or licensed] by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632.

3. A person who has received a suspended imposition of sentence or a suspended execution of sentence following a plea of guilty to any of the disqualifying crimes listed in subsection 1 or 2 of this section shall remain disqualified.

4. Any person disqualified pursuant to the provisions of subsection 1 or 2 of this section may seek an exception to the disqualification from the director of the department or the director's designee. The request shall be written and may not be made more than once every [twelve] **six** months. The request may be granted by the director or designee if in the judgment of the director or designee a clear showing has been made by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified for or any other acts that would be harmful to a patient, resident or client of a facility, program or service. The director or designee may grant an exception subject to any conditions deemed appropriate and failure to comply with such terms may result in the person again being disqualified. **Any person placed on the disqualification registry prior to August 28, 2012, may be removed from the registry by the director or designee if in the judgment of the director or designee a clear showing has been made, by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified for or any other acts that would be harmful to a patient, resident, or client of a facility, program, or service.** Decisions by the director or designee pursuant to the provisions of this subsection shall not be subject to appeal. The right to request an exception pursuant to this subsection shall not apply to persons who are disqualified due to being listed on the department of social services or department of health and senior services employee disqualification list pursuant to section 660.315, nor to persons disqualified from employment due to any crime pursuant to the provisions of chapter 566 or section 565.020, 565.021, 568.020, 568.060, 569.025, or 569.070.

5. An applicant for a [direct care] position in any public or private facility, day program, residential facility, or specialized service operated, **licensed, certified, accredited, in possession of deemed status, or funded**, or licensed] by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632 shall:

(1) Sign a consent form as required by section 43.540 to provide written consent for a criminal record review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any suspended imposition of sentence, any suspended execution of sentence, or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315, or the department of mental health disqualification registry as provided for in this section.

6. Any person who has received a good cause waiver issued by the [division of] **department of health and senior services** or its predecessor under subsection 9 of section 660.317 shall not require an additional exception under this section in order to be employed in a long-term care facility licensed under chapter 198.

7. Any public or private residential facility, day program, or specialized service **operated, licensed, certified, accredited, in possession of deemed status,** or funded by the department **or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632** shall, not later than two working days after hiring any person for a full-time, part-time, or temporary position that will have contact with clients, residents, or patients:

(1) Request a criminal background check as provided in section 43.540;

(2) Make an inquiry to the department of social services and department of health and senior services to determine whether the person is listed on the employee disqualification list as provided in section 660.315; and

(3) Make an inquiry to the department of mental health to determine whether the person is listed on the disqualification registry as provided in this section.

8. An applicant who knowingly fails to disclose his or her criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider hires a person to hold a direct-care position knowing that such person has been disqualified pursuant to the provisions of subsection [1 or] 2 of this section. **A provider is guilty of a class A misdemeanor if the provider hires a person to hold any position knowing that such person has been disqualified pursuant to the provisions of subsection 1 of this section.**

9. **Any public or private residential facility, day program, or specialized service operated, licensed, certified, accredited, in possession of deemed status or funded by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632 that declines to employ or discharges a person who is disqualified pursuant to the provisions of subsection 1 or 2 of this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the discharge of the person due to disqualification.**

10. **Any employer who is required to discharge an employee because the employee was placed on a disqualification registry maintained by the department of mental health after the date of hire shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge pursuant to section 288.100.**

11. The department [may] **shall** maintain a disqualification registry and place on the registry the names of any persons who have been finally determined by the department to be disqualified [pursuant to this section, or who have had] **based upon** administrative substantiations made against them for abuse or neglect pursuant to department rule **or regulation**. Such list shall reflect that the person is barred from holding any position in any public or private facility [or] , day program, **residential facility, or specialized service** operated, **licensed, certified, accredited, in possession of deemed status, or** funded [or licensed] by the department, or any mental health facility or mental health program in which persons are admitted on a voluntary basis or are civilly detained pursuant to chapter 632. **The length of time the person's name shall appear on the disqualification registry shall be determined by the director or the director's designee, based upon the criteria contained in subsection 13 of this section.**

12. **Persons notified that their name will be placed on the disqualification registry may appeal such determination pursuant to department rule or regulation. If the person**

appeals, the hearing tribunal shall not modify the length of time the person's name shall appear on the disqualification registry if the hearing tribunal upholds all of the administrative substantiations made by the director or the director's designee. If the hearing tribunal overturns part of the administrative substantiations made by the director or the director's designee, the hearing tribunal may consider modifying the length of time the person's name shall appear on the disqualification registry based upon testimony and evidence received during the hearing.

13. The length of time the person's name shall appear on the disqualification registry shall be determined by the director or the director's designee based upon the following:

- (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
- (2) The degree of actual or potential injury or harm to the patient, resident, or client;
- (3) The degree of actual or potential danger to the health, safety, or welfare of the patient, resident, or client;
- (3) The degree of misappropriation or conversion of patient, resident, or client funds or property;
- (4) Whether the person has previously been listed on the department's disqualification registry;
- (5) Any mitigating circumstances; and
- (6) Any aggravating circumstances.

14. The department shall provide the disqualification registry maintained pursuant to this section to other state and federal agencies upon request. The department may provide the disqualification registry maintained pursuant to this section to any public or private facility, day program, residential facility, or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded by the department or to any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632. The department may also provide the disqualification registry to a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations are included in the employee disqualification registry.

630.945. MAXIMUM AND INTERMEDIATE FACILITIES, WORK HOURS LIMITED — EXCEPTION FOR EMERGENCIES. — Beginning July 1, 2013, no state employee, regardless of job classification, who is working in a maximum or intermediate security mental health facility or any portion of a mental health facility which has maximum or intermediate security shall be mandated to work more than twelve hours in any twenty-four hour period unless the department of mental health declares an emergency workforce shortage.

632.501. PETITION FOR RELEASE — HEARING (WHEN DIRECTOR APPROVES). — If the director of the department of mental health determines that the person's mental abnormality has so changed that the person is not likely to commit acts of sexual violence if released, the director shall authorize the person to petition the court for release. The petition shall be served upon the court that committed the person, **the prosecutor of the jurisdiction into which the committed person is to be released**, the director of the department of mental health, the head of the facility housing the person, and the attorney general. The hearing and trial, if any, shall be conducted according to the provisions of section 632.498.

Approved July 5, 2012

HB 1323 [SCS HCS#2 HB 1323]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes the Low-Wage Trap Elimination Act and Sam Pratt's Law and changes the laws regarding child abuse and neglect investigations and unlicensed child care providers

AN ACT to repeal sections 208.044, 210.135, 210.145, 210.211, and 210.245, RSMo, and to enact in lieu thereof seven new sections relating to the provision of child care services, with a penalty provision.

SECTION

- A. Enacting clause.
- 208.044. Child day care services to be provided certain persons — eligible providers.
- 208.053. Low-wage trap elimination act — hand-up pilot program, transitioning of persons receiving child care subsidies — premiums — report — fund created, purpose — rulemaking — sunset provision.
- 210.135. Immunity from liability granted to reporting person or institution, when — exception — preliminary evaluation required, when.
- 210.145. Telephone hotline for reports on child abuse — division duties, protocols, law enforcement contacted immediately, investigation conducted, when, exception — chief investigator named — family support team meetings, who may attend — reporter's right to receive information — admissibility of reports in custody cases.
- 210.211. License required — exceptions — disclosure of licensure status, when.
- 210.245. Violations, penalties — prosecutor may file suit to oversee or prevent operation of day care center — attorney general may seek injunction, when.
- 544.456. Sam Pratt's Law — prohibition on providing child care services for compensation pending final disposition, when.

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

SECTION A. ENACTING CLAUSE. — Sections 208.044, 210.135, 210.145, 210.211, and 210.245, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 208.044, 208.053, 210.135, 210.145, 210.211, 210.245, and 544.456, to read as follows:

208.044. CHILD DAY CARE SERVICES TO BE PROVIDED CERTAIN PERSONS — ELIGIBLE PROVIDERS. — 1. The **children's** division [of family services] shall provide child day care services to any person who meets the qualifications set forth at sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485).

2. The division [of family services] shall purchase the child day care services required by this section by making payments directly to any providers of day care services licensed pursuant to chapter 210 or to providers of day care services who are not required by chapter 210 to be licensed because they are providing care to relative children or no more than four children.

3. When a person who has been eligible and receiving day care services under this section becomes ineligible due to the end of the twelve-month period of transitional day care, as defined in section 208.400, such person may receive day care services from the division [of family services] if otherwise eligible for such services. [Until October 1, 1992, participants eligible for income eligible day care services, as defined by the division of family services, will continue to receive such services in the same proportion as that provided in fiscal year 1989, subject to appropriation.]

208.053. LOW-WAGE TRAP ELIMINATION ACT — HAND-UP PILOT PROGRAM, TRANSITIONING OF PERSONS RECEIVING CHILD CARE SUBSIDIES — PREMIUMS — REPORT — FUND CREATED, PURPOSE — RULEMAKING — SUNSET PROVISION. — **1. The provisions of this section shall be known as the "Low-Wage Trap Elimination Act". In order to**

more effectively transition persons receiving state-funded child care subsidy benefits under this chapter, the children's division, in conjunction with the department of revenue, shall, subject to appropriations, by January 1, 2013, implement a pilot program in at least one rural county and in at least one urban child care center that serves at least three hundred families, to be called the "Hand-up Program", to allow willing recipients who wish to participate in the program to continue to receive such child care subsidy benefits while sharing in the cost of such benefits through the payment of a premium, as follows:

(1) For purposes of this section, "full child care benefits" shall be the full benefits awarded to a recipient based on the income eligibility amount established by the division through the annual appropriations process as of August 28, 2012, to qualify for the benefits and shall not include the transitional child care benefits that are awarded to recipients whose income surpasses the eligibility level for full benefits to continue. The hand-up program shall be voluntary and shall be designed such that a participating recipient will not be faced with a sudden loss of child care benefits should the recipient's income rise above the maximum allowable monthly income for persons to receive full child care benefits as of August 28, 2012. In such instance, the recipient shall be permitted to continue to receive such benefits if the recipient pays a premium, to be paid via a payroll deduction if possible, to be applied only to that portion of the recipient's income above such maximum allowable monthly income for the receipt of full child care benefits as follows:

(a) The premium shall be forty-four percent of the recipient's excess adjusted gross income over the maximum allowable monthly income for the applicable family size for the receipt of child care benefits;

(b) The premium shall be paid on a monthly basis by the participating recipient, or may be paid on a different periodic basis if through a payroll deduction consistent with the payroll period of the person's employer;

(c) The division shall develop a payroll deduction program in conjunction with the department of revenue, and shall promulgate rules for the payment of premiums, through such payroll deduction program or through an alternate method to be determined by the division, owed under the hand-up program; and

(d) Participating recipients who fail to pay the premium owed shall be removed permanently from the program after sixty days of non-payment;

(2) Subject to the receipt of federal waivers if necessary, participating recipients shall be eligible to receive child care service benefits at income levels all the way up to the level at which a person's premium equals the value of the child care service benefits received by the recipient;

(3) Only those recipients who currently receive full child care benefits as of joining the program and who had been receiving full child care service benefits continuously since on or before August 28, 2012, shall be eligible to participate in the program. Only those recipients who agree to the terms of the hand-up program during a ninety-day sign-up period shall be allowed to participate in the program, pursuant to rules to be promulgated by the division; and

(4) A participating recipient shall be allowed to opt out of the program at any time, but such person shall not be allowed to participate in the program a second time.

2. The division shall track the number of participants in the hand-up program, premiums and taxes paid by each participant in the program and the aggregate of such premiums and taxes, as well as the aggregate of those taxes paid on income exceeding the maximum allowable income for receiving full child care benefits outside the hand-up program, and shall issue an annual report to the general assembly by January 1, 2014, and annually on January first thereafter, detailing the effectiveness of the pilot program in encouraging recipients to increase their income levels above the income maximum applicable to each recipient. The report shall also detail the costs of administration and

the increased amount of state income tax paid and premiums paid as a result of the program, as well as an analysis of whether the pilot program could be expanded to include other types of benefits including but not limited to food stamps, temporary assistance for needy families, low income heating assistance, women, infants and children supplemental nutrition program, the state children's health insurance program, and MO HealthNet benefits.

3. The division shall pursue all necessary waivers from the federal government to implement the hand-up program with the goal of allowing participating recipients to receive child care service benefits at income levels all the way up to the level at which a person's premium equals the value of the child care service benefits received by the recipient. If the division is unable to obtain such waivers, the division shall implement the program to the degree possible without such waivers.

4. (1) There is hereby created in the state treasury the "Hand-Up Program Premium Fund", which shall consist of premiums collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding the provisions of section 33.080, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(2) All premiums received under the program shall be deposited in the fund, out of which the cost of administering the hand-up program shall be paid, as well as the necessary payments to the federal government and to the state general revenue fund. Child care benefits provided under the hand-up program shall continue to be paid for as under the existing state child care assistance program.

5. After the first year of the program, or sooner if feasible, the cost of administering the program shall be paid out of the premiums received. Any premiums collected exceeding the cost of administering the program shall, if required by federal law, be shared with the federal government and the state general revenue fund in the same proportion that the federal government shares in the cost of funding the child care assistance program with the state.

6. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated under this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

7. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically three years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically six 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.

210.135. IMMUNITY FROM LIABILITY GRANTED TO REPORTING PERSON OR INSTITUTION, WHEN — EXCEPTION — PRELIMINARY EVALUATION REQUIRED, WHEN. — 1. Any person, official, or institution complying with the provisions of sections 210.110 to 210.165

in the making of a report, the taking of color photographs, or the making of radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color photographs and making of radiologic examinations, or the removal or retaining a child pursuant to sections 210.110 to 210.165, or in cooperating with the division, or any other law enforcement agency, juvenile office, court, or child-protective service agency of this or any other state, in any of the activities pursuant to sections 210.110 to 210.165, or any other allegation of child abuse, neglect or assault, pursuant to sections 568.045 to 568.060, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions. Provided, however, any person, official or institution intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

2. Any person, who is not a school district employee, who makes a report to any employee of the school district of child abuse by a school employee shall have immunity from any liability, civil or criminal, that otherwise might result because of such report. Provided, however, that any such person who makes a false report, knowing that the report is false, or who acts in bad faith or with ill intent in making such report shall not have immunity from any liability, civil or criminal. Any such person shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

3. In a case involving the death or serious injury of a child after a report has been made under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation in order to determine whether a review of the ability of the circuit manager or case worker or workers to perform their duties competently is necessary. The preliminary evaluation shall examine:

- (1) The hotline worker or workers who took any reports related to such case;**
 - (2) The division case worker or workers assigned to the investigation of such report;**
- and**
- (3) The circuit manager assigned to the county where the report was investigated.**

Any preliminary evaluation shall be completed no later than three days after the child's death. If the division determines a review and assessment is necessary, it shall be completed no later than three days after the child's death.

210.145. TELEPHONE HOTLINE FOR REPORTS ON CHILD ABUSE — DIVISION DUTIES, PROTOCOLS, LAW ENFORCEMENT CONTACTED IMMEDIATELY, INVESTIGATION CONDUCTED, WHEN, EXCEPTION — CHIEF INVESTIGATOR NAMED — FAMILY SUPPORT TEAM MEETINGS, WHO MAY ATTEND — REPORTER'S RIGHT TO RECEIVE INFORMATION — ADMISSIBILITY OF REPORTS IN CUSTODY CASES. — 1. The division shall develop protocols which give priority to:

- (1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;
- (2) Promoting the preservation and reunification of children and families consistent with state and federal law;
- (3) Providing due process for those accused of child abuse or neglect; and
- (4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury

to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

5. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

[5.] 6. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. **Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger.** If the parents of the child are not the alleged abusers, a parent of the child must be notified prior to the child being interviewed by the division. **No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:**

- (1) (a) No person is present in the home at the time of the home visit; and
- (b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;
- (2) The alleged perpetrator will be alerted regarding the attempted visit; or
- (3) The family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged

perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to reach such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child-care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, child-care facility shall have the same meaning as such term is defined in section 210.201.

[6.] **7.** The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

[7.] **8.** The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

[8.] **9.** When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

[9.] **10.** Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

[10.] **11.** Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

[11.] **12.** For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged

perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

[12.] **13.** If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

[13.] **14.** If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

[14.] **15.** Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If a child involved in a pending investigation dies, the investigation shall remain open until the division's investigation surrounding the death is completed. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

[15.] **16.** A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the

division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

[16.] **17.** The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

[17.] **18.** In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made. If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

[18.] **19.** In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services [pursuant to subdivision (d)] **under paragraph (d) of subdivision (1)** of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

[19.] **20.** The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

[20.] **21.** 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, 2000, shall be invalid and void.

210.211. LICENSE REQUIRED — EXCEPTIONS — DISCLOSURE OF LICENSURE STATUS, WHEN. — 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance

or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

(6) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005; and

(7) Any nursery school.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed.

210.245. VIOLATIONS, PENALTIES — PROSECUTOR MAY FILE SUIT TO OVERSEE OR PREVENT OPERATION OF DAY CARE CENTER — ATTORNEY GENERAL MAY SEEK INJUNCTION, WHEN. — 1. Any person who violates any provision of sections 210.201 to 210.245, or who for such person or for any other person makes materially false statements in order to obtain a license or the renewal thereof pursuant to sections 210.201 to 210.245, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor **and shall be assessed a fine of up to two hundred dollars per day, not to exceed a total of ten thousand dollars** for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of health and senior services proposes to deny, suspend, place on probation or revoke a license, the department of health and senior services shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission and that such request shall be made to the department of health and senior services. If no written request for a hearing is received by the department of health and senior services within thirty days of the delivery or mailing by certified mail of the notice to the applicant or licensee, the proposed discipline shall take effect on the thirty-first day after such delivery or mailing of the notice to the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health and senior services shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing.

3. The department of health and senior services may issue letters of censure or warning without formal notice or hearing. Additionally, the department of health and senior services may place a licensee on probation pursuant to chapter 621.

4. The department of health and senior services may suspend any license simultaneously with the notice of the proposed action to be taken in subsection 2 of this section, if the department of health and senior services finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee pursuant to this section. The licensee may appeal the decision to suspend the license to the department of health and senior services. The appeal shall be filed

within ten days from the delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted by the department of health and senior services within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health and senior services, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission. Any person aggrieved by a final decision of the department made pursuant to this section shall be entitled to judicial review in accordance with chapter 536.

5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child-care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child-care facility for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child-care facility is in substantial compliance. If the prosecuting attorney refuses to act or fails to act after receipt of notice from the department of health and senior services, the department of health and senior services may request that the attorney general seek an injunction of the operation of such child-care facility.

6. In cases of imminent bodily harm to children in the care of a child-care facility, the department may file suit in the circuit court of the county in which the child-care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.

544.456. SAM PRATT'S LAW — PROHIBITION ON PROVIDING CHILD CARE SERVICES FOR COMPENSATION PENDING FINAL DISPOSITION, WHEN. — 1. This section shall be known and may be cited as "Sam Pratt's Law".

2. In any case involving abuse, neglect, or death of a child, any court with competent jurisdiction may impose as a condition of release of a defendant under section 544.455 that such defendant be prohibited from providing child care services for compensation pending final disposition of the case. The court shall notify the department of health and senior services and the department of social services when it makes such a determination, as well as the final disposition of the case.

Approved July 10, 2012

HB 1340 [HCS HB 1340]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Specifies that the county commission must appoint an interim county official when there is a vacancy in the office of county clerk, collector, or assessor

AN ACT to amend chapter 49, RSMo, by adding thereto one new section relating to county officers.

SECTION

A. Enacting clause.

49.101. Vacancies, interim county officials appointed, when — expiration.

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

SECTION A. ENACTING CLAUSE. — Chapter 49, RSMo, is amended by adding thereto one new section, to be known as section 49.101, to read as follows:

49.101. VACANCIES, INTERIM COUNTY OFFICIALS APPOINTED, WHEN — EXPIRATION. — In the event of a vacancy in the county offices of county clerk, county auditor, and county assessor, whether such vacancy is by reason of death, resignation, removal, refusal to act, or any other reason, the county commission shall appoint an interim county official to discharge the duties of the office until the governor appoints a successor as provided under state law. At the time of the appointment of a replacement by the governor, the interim appointment shall expire. Such interim appointment by the county commission shall provide the interim county official with all of the protections, bonding requirements, tenants, and other provisions relating to such office.

Approved July 6, 2012

HB 1400 [SS SCS HCS HB 1400]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the investment of certain public funds, perfection of security interests, Division of Finance examinations, and residential mortgage loan brokers

AN ACT to repeal sections 67.085, 361.070, 361.080, 400.9-311, and 408.052, RSMo, and to enact in lieu thereof five new sections relating to financial transactions, with existing penalty provisions and an emergency clause.

SECTION

- A. Enacting clause.
 - 67.085. Investment of certain public funds, conditions.
 - 361.070. Director and employees — oath — bond — prohibited acts — professional conduct policy — powers of director.
 - 361.080. Confidential information — exceptions — penalty for disclosure.
 - 400.9-311. Perfection of security interests in property subject to certain statutes, regulations, and treaties.
 - 408.052. Points prohibited, exception — penalties for illegal points — violation a misdemeanor — default charge authorized, when, exceptions.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 67.085, 361.070, 361.080, 400.9-311, and 408.052, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 67.085, 361.070, 361.080, 400.9-311, and 408.052, to read as follows:

67.085. INVESTMENT OF CERTAIN PUBLIC FUNDS, CONDITIONS. — Notwithstanding any law to the contrary, any political subdivision of the state and any other public entity in Missouri may invest funds of the public entity not immediately needed for the purpose to which such funds or any of them may be applicable provided each public entity meets the requirements for separate deposit insurance of public funds permitted by federal deposit insurance and in accordance with the following conditions:

- (1) The public funds are invested through a financial institution which has been selected as a depository of the funds in accordance with the applicable provisions of the statutes of Missouri relating to the selection of depositories and such financial institution enters into a written agreement with the public entity;
- (2) The selected financial institution arranges for the deposit of the public funds in [certificates of] deposit **accounts** in one or more financial institutions wherever located in the United States, for the account of the public entity;

(3) Each such [certificate of] deposit [issued by financial institutions as provided in subdivision (2) of this section] **account** is insured by federal deposit insurance for one hundred percent of the principal and accrued interest of the [certificate of] deposit;

(4) The selected financial institution acts as custodian for the public entity with respect to [the certificate of] **such** deposit [issued for its account] **accounts**; and

(5) [At the same time] **On the same date** that the public funds are deposited [and the certificates of deposit are issued] **under subdivision (2) of this section**, the selected financial institution receives an amount of deposits from customers of other financial institutions equal to the amount of the public funds initially invested by the public entity through the selected financial institution.

361.070. DIRECTOR AND EMPLOYEES — OATH — BOND — PROHIBITED ACTS — PROFESSIONAL CONDUCT POLICY — POWERS OF DIRECTOR. — 1. The director of finance and all employees of the division of finance, which term shall, for purposes of this section and section 361.080, include special agents, shall, before entering upon the discharge of their duties, take the oath of office prescribed by the constitution, and, in addition, take an oath that they will not reveal the conditions or affairs of any financial institution or any facts pertaining to the same, that may come to their knowledge by virtue of their official positions, unless required by law to do so in the discharge of the duties of their offices or when testifying in any court proceeding. For purposes of this section and section 361.080, "financial institution" shall mean any entity subject to chartering, licensing, or regulation by the division of finance.

2. The director of finance and all employees of the division of finance shall further execute to the state of Missouri good and sufficient bonds with corporate surety, to be approved by the governor and attorney general, conditioned that they will faithfully and impartially discharge the duties of their offices, and pay over to the persons entitled by law to receive it, all money coming into their hands by virtue of their offices. The principal amount of bond applicable to each employee shall be determined by the state banking and savings and loan board. The bond, after approval by the governor and attorney general, shall be filed with the secretary of state for safekeeping. The bond premiums, not to exceed one percent on the amount thereof, shall be paid out of the state treasury in the same manner as other expenses of the division.

3. Neither the director of finance nor any employees of the division of finance who participate in the examination of any bank or trust company, or who may be called upon to make any official decision or determination affecting the operation of any bank or trust company, other than the members of the state banking and savings and loan board who are required to have experience managing a bank or association as defined in chapter 369, shall be an officer, director, attorney, owner, or holder of stock in any bank or trust company or any bank holding company as that term is defined in section 362.910, nor shall they receive, directly or indirectly, any payment or gratuity from any such organization, nor engage in the negotiation of loans for others with any state bank or trust company, nor be indebted to any state bank or trust company.

4. **The director of the division of finance shall establish an internal policy to ensure the professional conduct of employees of the division of finance who participate in the examination of any person or entity under the jurisdiction of the director of the division of finance, or who may be called upon to make any official decision or determination affecting the operation of any person or entity under the jurisdiction of the director of the division of finance. The policy shall address such matters deemed appropriate by the director of the division of finance, including, but not limited to, procedures to address and mitigate the conflict of interest presented by offers of employment or negotiations regarding employment between an employee of the division and any person or entity under the jurisdiction of the director of the division of finance.**

5. The director of finance, in connection with any examination or investigation of any person, company, or event, shall have the authority to compel the production of documents, in whatever form they may exist, and shall have the authority to compel the attendance of and

administer oaths to any person having knowledge of any issue involved with the examination or investigation. The director may seek judicial enforcement of an administrative subpoena by application to the appropriate court. An administrative subpoena shall be subject to the same defenses or subject to a protective order or conditions as provided and deemed appropriate by the court in accordance with the Missouri Supreme Court Rules.

361.080. CONFIDENTIAL INFORMATION—EXCEPTIONS—PENALTY FOR DISCLOSURE.

— 1. To ensure the integrity of the examination process, the director of finance and all employees of the division of finance shall be bound under oath to keep secret all facts and information obtained in the course of all examinations and investigations [except] **subject only to the exceptions set out below. When disclosure is necessary or required under this subsection, the director may set conditions and limitations including an agreement of confidentiality or seek a judicial protective order under subsection 2 of this section. The exceptions allowing disclosure are as follows:**

(1) To the extent that the public duty of the director requires the director to report information to another government official or agency or take administrative or judicial enforcement action regarding the affairs of a financial institution;

(2) When called as a witness in a court proceeding relating to such financial institution's safety and soundness or in any criminal proceeding;

(3) When reporting on the condition of the financial institution to the officers and directors of the financial institution or to a holding company which owns the financial institution;

(4) When reporting findings to a complainant, provided the disclosure is limited to such complainant's account information;

(5) When exchanging information with any agency which regulates financial institutions under federal law or the laws of any state when the director of finance determines that the sharing of information is necessary for the proper performance by the director of finance and the other agencies, that such information will remain confidential as though subject to section 361.070 and this section and that said agencies routinely share information with the division of finance;

(6) When authorized by the financial institution's board of directors to provide the information to anyone else; or

(7) [When disclosure is necessary or required, the director may set conditions and limitations, including an agreement of confidentiality or a judicial or administrative protective order.] **When undergoing a state audit, provided that the director of finance has entered an agreement of confidentiality with the state auditor. The agreement of confidentiality shall include provisions for the redaction of records to remove protected information from disclosure. The redaction of information shall be required when it is comprised of nonpublic personal or proprietary commercial and financial information, trade secrets, information the disclosure of which could prejudice the effective performance or security of the division of finance including component CAMELS ratings or other sensitive findings, or information that is protected under any recognized privilege, such as attorney client privilege or work product. Protected information shall also be identifying bank information including anything that could be matched with public information to discern the identity of a financial institution under the jurisdiction of the division of finance or of individual persons or business entities served by such financial institutions. When confidential or protected information relating to a particular financial institution under the division's jurisdiction is requested, the director of the division of finance shall provide notice to that institution at least thirty days prior to production, and shall provide the institution a copy of the proposed agreement of confidentiality. The affected institution may submit comments to the director regarding the agreement or the production and may seek review of the decision to produce the information or of the confidentiality agreement, or both, under the provisions of section 536.150. The director of the division of finance**

may forego the notice to a financial institution under this subsection when the notice would compromise an investigation by any agency with criminal prosecutorial powers.

2. In all other circumstances, facts and information obtained by the director of finance and the employees of the division of finance through examinations or investigations shall be held in confidence absent a court's finding of compelling reasons for disclosure. Such finding shall demonstrate that the need for the information sought outweighs the public interest in free and open communications during the examination or investigation process. To assure a meaningful hearing, any financial institution that is not already a party to the judicial proceeding and whose information is the subject of a records request or subpoena shall be joined or notified and permitted to intervene in the hearing and to participate regarding the production request or subpoena. In no event shall a financial institution, or any officer, director, or employee thereof, be charged with libel, slander, or defamation for any good faith communications with the director of finance or any employees of the division of finance.

3. If the director or any employees of the division of finance disclose the name of any debtor of any financial institution or disclose any facts obtained in the course of any examination or investigation of any financial institution, except as herein provided, the disclosing party shall be deemed guilty of a misdemeanor and upon conviction shall be subject to forfeiture of office and the payment of a fine not to exceed one thousand dollars.

400.9-311. PERFECTION OF SECURITY INTERESTS IN PROPERTY SUBJECT TO CERTAIN STATUTES, REGULATIONS, AND TREATIES. — (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt section 400.9-310(a);

(2) Sections 301.600 to 301.661, section 700.350, and section 400.2A-304; or

(3) A certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection (d) and sections 400.9-313 and 400.9-316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subsection (d) and section 400.9-316(d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this article.

(d) During any period in which collateral is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling [or leasing] goods of that kind, this section does not apply to a security interest in that collateral created by that person [as debtor].

408.052. POINTS PROHIBITED, EXCEPTION — PENALTIES FOR ILLEGAL POINTS — VIOLATION A MISDEMEANOR — DEFAULT CHARGE AUTHORIZED, WHEN, EXCEPTIONS. —

1. No lender shall charge, require or receive, on any residential real estate loan, any points or other fees of any nature whatsoever, excepting insurance, including insurance for involuntary unemployment coverage, and a one-percent origination fee, whether from the buyer or the seller or any other person, except that the lender may charge bona fide expenses paid by the lender to

any other person or entity except to an officer, employee, or director of the lender or to any business in which any officer, employee or director of the lender owns any substantial interest for services actually performed in connection with a loan. In addition to the foregoing, if the loan is for the construction, repair, or improvement of residential real estate, the lender may charge a fee not to exceed one percent of the loan amount for inspection and disbursement of the proceeds of the loan to third parties. Notwithstanding the foregoing, the parties may contract for a default charge for any installment not paid in full within fifteen days of its scheduled due date. The restrictions of this section shall not apply:

(1) To any loan which is insured or covered by guarantee made by any department, board, bureau, commission, agency or establishment of the United States, pursuant to the authority of any act of Congress heretofore or hereafter adopted; and

(2) To any loan for which an offer or commitment or agreement to purchase has been received from and which is made with the intention of reselling such loan to the Federal Housing Administration, Farmers Home Administration, Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, or to any successor to the above-mentioned organizations, to any other state or federal governmental or quasi-governmental organization; [and]

(3) To any mortgage broker making loans on manufactured homes or modular units; and

(4) Provided that the 1994 reenactment of this section shall not be construed to be action taken in accordance with Public Law 96-221, Section 501(b)(4). Any points or fees received in excess of those permitted under this section shall be returned to the person from whom received upon demand.

2. Notwithstanding the language in subsection 1 of this section, a lender may pay to an officer, employee or director of the lender, or to any business in which such person has an interest, bona fide fees for services actually and necessarily performed in good faith in connection with a residential real estate loan, provided:

(1) Such services are individually listed by amount and payee on the loan-closing documents; and

(2) Such lender may use the preemption of Public Law 96-221, Section 501 with respect to the residential real estate loan in question. When fees charged need not be disclosed in the annual percentage rate required by Title 15, U.S.C. Sections 1601, et seq., and regulations thereunder because such fees are de minimis amounts or for other reasons, such fees need not be included in the annual percentage rate for state examination purposes.

3. The lender may charge and collect bona fide fees for services actually and necessarily performed in good faith in connection with a residential real estate loan as provided in subsection 2 of this section; however, the lender's board of directors shall determine whether such bona fide fees shall be paid to the lender or businesses related to the lender in subsection 2 of this section, but may allow current contractual relationships to continue for up to two years.

4. If any points or fees are charged, required or received, which are in excess of those permitted by this section, or which are not returned upon demand when required by this section, then the person paying the same points or fees or his or her legal representative may recover twice the amount paid together with costs of the suit and reasonable attorney's fees, provided that the action is brought within five years of such payment.

5. Any lender who knowingly violates the provisions of this section is guilty of a class B misdemeanor.

SECTION B. EMERGENCY CLAUSE. — In order to promote financial transactions and protect confidentiality in auditing such transactions, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved July 10, 2012

HB 1402 [CCS SS SCS HCS HB 1402]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding road use

AN ACT to repeal sections 21.795, 70.441, 142.932, 144.030, 226.500, 301.010, 301.032, 301.069, 301.140, 301.218, 301.260, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 301.600, 302.010, 302.060, 302.130, 302.309, 302.341, 302.530, 302.700, 303.200, 304.120, 304.190, 306.127, 306.400, 307.365, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.063, 390.116, 390.201, 390.280, 544.046, and 643.320, RSMo, and to enact in lieu thereof fifty-four new sections relating to transportation, with penalty provisions, an effective date for a certain section and an emergency clause for certain sections.

SECTION

- A. Enacting clause.
- 21.795. Joint committee on transportation oversight, members, quorum — report, when, contents — meetings, examination of reports, records required to be submitted.
- 70.441. Definitions — provisions to apply in interpreting this section — prohibited acts — violation of section, penalty — subsequent violations, penalty — juvenile offenders, jurisdiction — stalled vehicles, removal.
- 142.932. Highway operation of vehicle with dyed fuel prohibited, when — unlawful use of dyed fuel — penalties.
- 144.030. Exemptions from state and local sales and use taxes.
- 226.500. Purpose of law.
- 226.541. Conforming out-of-standard signs treated as conforming, when — definitions — duties of owners — local zoning authorities may prohibit resetting of signs — inspections.
- 301.010. Definitions.
- 301.032. Fleet vehicle registration, director to establish system — procedures — special license plates — exempt from inspection requirements, when.
- 301.069. Driveaway license plates, restriction on use — annual driveaway license or choice of biennial license, fees — application, contents — violation, penalty.
- 301.140. Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — expiration date, certain subsections — additional temporary license plate may be purchased, when.
- 301.216. Department investigators deemed peace officers while acting in scope of authority, when — limitation on power to arrest.
- 301.218. Licenses required for certain businesses — buyers at salvage pool or salvage disposal sale, requirements — records to be kept of sales by operator.
- 301.260. State and municipally owned motor vehicles — public schools and colleges courtesy or driver training vehicles — regulations.
- 301.280. Dealers and garage keepers, sales report required — unclaimed vehicle report required, contents — alteration of vehicle identification number, effect — false statement, penalty.
- 301.559. Licenses required for dealer, manufacturer or auction, penalty, expiration of — issuance, application — license not required, when.
- 301.560. Application requirements, additional — bonds, fees, signs required — license number, certificate of numbers — duplicate dealer plates, issues, fees — test driving motor vehicles and vessels, use of plates — proof of educational seminar required, exceptions, contents of seminar.
- 301.562. License suspension, revocation, refusal to renew — procedure — grounds — complaint may be filed, when — clear and present danger, what constitutes, revocation or suspension authorized, procedure.
- 301.567. Advertising standards, violation of, when.
- 301.570. Sale of six or more motor vehicles in a year without license, prohibited — prosecuting attorney, duties — penalty, exceptions.
- 301.580. Special event motor vehicle auction license, requirements, fee — corporate surety bond required — rulemaking authority.
- 301.600. Liens and encumbrances, how perfected — effect of on vehicles and trailers brought into state — security procedures for verifying electronic notices.
- 302.010. Definitions.

- 302.060. License not to be issued to whom, exceptions — reinstatement requirements.
- 302.130. Issuance of temporary instruction permit, when — requirements — duration — permit driver sticker or sign issued, when — rulemaking authority.
- 302.309. Return of license, when — limited driving privilege, when granted, application, when denied — judicial review of denial by director of revenue — rulemaking.
- 302.341. Moving traffic violation, failure to prepay fine or appear in court, license suspended, procedure — reinstatement when — excessive revenue from fines to be distributed to schools — definition, state highways.
- 302.530. Request for administrative review, when made — temporary permit, duration — telephone hearings permitted, when — hearing, venue, conduct — decision, notice, final when — appeal for judicial review — rulemaking authority.
- 302.700. Citation of law — definitions.
- 302.768. Compliance with federal law, certification required — application requirements, procedure.
- 303.200. Approval of plan for apportionment of substandard insurance risks.
- 304.033. Recreational off-highway vehicles, operation on highways prohibited, exceptions — operation within streams and rivers prohibited, exceptions — license required for operation, exception.
- 304.120. Municipal regulations — owner or lessor not liable for violations, when.
- 304.190. Height and weight regulations (cities of 75,000 or more) — commercial zone defined.
- 304.289. Timing of signals, minimum interval times to be established.
- 306.127. Boating safety identification card required, when, requirements, fee — inapplicable, when — temporary boater safety identification card issued to nonresidents, when, rules, fee authorized, expiration date.
- 306.400. Liens and encumbrances — valid, perfected, when, how, future advances — boats and motors subject to, when, how determined — revenue to establish security procedure, electronic notices, rulemaking authority.
- 307.365. Inspection station permit not transferable — approval to be on official form — report to superintendent — defects, correction of, who may make — inspection fee — sticker fee — inspection fund, created, purpose — discontinuation of station, procedures.
- 387.040. Transportation prohibited until schedule of rates and fares is filed and published — exception, when.
- 387.050. Rates and fares, filing and publication.
- 387.080. Concurrence in joint tariffs — contracts, agreements or arrangements between any carriers — prohibition for household goods.
- 387.110. Preference to locality or particular traffic, prohibited.
- 387.137. Household goods transportation in intrastate commerce, commission to establish consumer protection requirements.
- 387.139. Movement of household goods in intrastate commerce, complaints — information file to be kept, contents, form — rulemaking authority.
- 387.207. Authority of division to fix rates, tolls, charges and schedules.
- 387.355. Rate orders vacated for transportation of household goods in intrastate commerce, when, limitation.
- 390.051. Certificate required for common carriers of household goods or passengers to do business — application, content — issued when.
- 390.054. Movers of household goods in intrastate commerce, proof of worker's compensation insurance coverage required.
- 390.061. Contract carriers of household goods or passengers to have permit — application, contents — issuance — contract rates — interagency agreements.
- 390.063. Certificate required for motor carriers transporting elderly, handicapped and children in head start for rural areas, application, content — rates not to be regulated by division — license not required, when — equipment requirements.
- 390.116. Through routes and joint rates established by common carriers of household goods, when.
- 390.201. Enforcement of federal regulations, authority to enforce.
- 390.280. Certificates issued prior to January 1, 1995, void, when — certificate owners qualified as registered property carriers, when — hazardous materials, transportation of, effect of law upon — geographic restriction void, when.
- 544.046. Compact — entered into.
- 643.320. Criteria for operation of inspection stations, established — application, form, fee — commission to inspect — suspension and revocation of license, procedure — required reports — alternative administrative enforcement mechanisms — sign, requirements, furnished by department, cost.
- B. Emergency clause.
- C. Contingent effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 21.795, 70.441, 142.932, 144.030, 226.500, 301.010, 301.032, 301.069, 301.140, 301.218, 301.260, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 301.600, 302.010, 302.060, 302.130, 302.309, 302.341, 302.530, 302.700, 303.200, 304.120, 304.190, 306.127, 306.400, 307.365, 387.040, 387.050, 387.080, 387.110,

387.207, 390.051, 390.061, 390.063, 390.116, 390.201, 390.280, 544.046, and 643.320, RSMo, are repealed and fifty-four new sections enacted in lieu thereof, to be known as sections 21.795, 70.441, 142.932, 144.030, 226.500, 226.541, 301.010, 301.032, 301.069, 301.140, 301.216, 301.218, 301.260, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 301.580, 301.600, 302.010, 302.060, 302.130, 302.309, 302.341, 302.530, 302.700, 302.768, 303.200, 304.033, 304.120, 304.190, 304.289, 306.127, 306.400, 307.365, 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.063, 390.116, 390.201, 390.280, 544.046, and 643.320, to read as follows:

21.795. JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT, MEMBERS, QUORUM—REPORT, WHEN, CONTENTS—MEETINGS, EXAMINATION OF REPORTS, RECORDS REQUIRED TO BE SUBMITTED. — 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives. **The seven senate members shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate.** No major party shall be represented by more than four members from the house of representatives [nor more than four members from the senate]. The ex officio members shall be the state auditor, the director of the oversight division of the committee on legislative research, and the commissioner of the office of administration or the designee of such auditor, director or commissioner. The joint committee shall be chaired jointly by both chairs of the senate and house transportation committees. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

2. The department of transportation shall submit a written report prior to [November tenth] **December thirty-first** of each year to the governor[, and the lieutenant governor], and every member of the senate and house of representatives]. The report shall be posted to the department's Internet website so that general assembly members may elect to access a copy of the report electronically. The written report shall contain the following:

(1) A comprehensive financial report of all funds for the preceding state fiscal year which shall include a report by independent certified public accountants, selected by the commissioner of the office of administration, attesting that the financial statements present fairly the financial position of the department in conformity with generally accepted government accounting principles. This report shall include amounts of:

(a) State revenues by sources, including all new state revenue derived from highway users which results from action of the general assembly or voter-approved measures taken after August 28, 2003, and projects funded in whole or in part from such new state revenue, and amounts of federal revenues by source;

(b) Any other revenues available to the department by source;

(c) Funds appropriated, the amount the department has budgeted and expended for the following: contracts, right-of-way purchases, preliminary and construction engineering, maintenance operations and administration;

(d) Total state and federal revenue compared to the revenue estimate in the fifteen-year highway plan as adopted in 1992. All expenditures made by, or on behalf of, the department for personal services including fringe benefits, all categories of expense and equipment, real estate

and capital improvements shall be assigned to the categories listed in this subdivision in conformity with generally accepted government accounting principles;

(2) A detailed explanation of the methods or criteria employed to select construction projects, including a listing of any new or reprioritized projects not mentioned in a previous report, and an explanation as to how the new or reprioritized projects meet the selection methods or criteria;

(3) The proposed allocation and expenditure of moneys and the proposed work plan for the current fiscal year, at least the next four years, and for any period of time expressed in any public transportation plan approved by either the general assembly or by the voters of Missouri. This proposed allocation and expenditure of moneys shall include the amounts of proposed allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this subsection;

(4) The amounts which were planned, estimated and expended for projects in the state highway and bridge construction program or any other projects relating to other modes of transportation in the preceding state fiscal year and amounts which have been planned, estimated or expended by project for construction work in progress;

(5) The current status as to completion, by project, of the fifteen-year road and bridge program adopted in 1992. The first written report submitted pursuant to this section shall include the original cost estimate, updated estimate and final completed cost by project. Each written report submitted thereafter shall include the cost estimate at the time the project was placed on the most recent five-year highway and bridge construction plan and the final completed cost by project;

(6) The reasons for cost increases or decreases exceeding five million dollars or ten percent relative to cost estimates and final completed costs for projects in the state highway and bridge construction program or any other projects relating to other modes of transportation completed in the preceding state fiscal year. Cost increases or decreases shall be determined by comparing the cost estimate at the time the project was placed on the most recent five-year highway and bridge construction plan and the final completed cost by project. The reasons shall include the amounts resulting from inflation, department-wide design changes, changes in project scope, federal mandates, or other factors;

(7) Specific recommendations for any statutory or regulatory changes necessary for the efficient and effective operation of the department;

(8) An accounting of the total amount of state, federal and earmarked federal highway funds expended in each district of the department of transportation; and

(9) Any further information specifically requested by the joint committee on transportation oversight.

3. Prior to [December first] **February fifteenth** of each year, the committee shall hold an annual meeting and call before its members, officials or employees of the state Highways and Transportation Commission or department of transportation, as determined by the committee, for the sole purpose of receiving and examining the report required pursuant to subsection 2 of this section. The committee shall not have the power to modify projects or priorities of the state Highways and Transportation Commission or department of transportation. The committee may make recommendations to the state Highways and Transportation Commission or the department of transportation. Disposition of those recommendations shall be reported by the commission or the department to the joint committee on transportation oversight.

4. In addition to the annual meeting required by subsection 3 of this section, the committee shall meet two times each year. The co-chairs of the committee shall establish an agenda for each meeting that may include, but not be limited to, the following items to be discussed with the committee members throughout the year during the scheduled meeting:

(1) Presentation of a prioritized plan for all modes of transportation;

(2) Discussion of department efficiencies and expenditure of cost-savings within the department;

(3) Presentation of a status report on department of transportation revenues and expenditures, including a detailed summary of projects funded by new state revenue as provided in paragraph (a) of subdivision (1) of subsection 2 of this section; and

(4) Implementation of any actions as may be deemed necessary by the committee as authorized by law. The co-chairs of the committee may call special meetings of the committee with ten days' notice to the members of the committee, the director of the department of transportation, and the department of transportation.

5. The committee shall also review all applications for the development of specialty plates submitted to it by the department of revenue. The committee shall approve such application by a majority vote. The committee shall approve any application unless the committee receives:

(1) A signed petition from five house members or two senators that they are opposed to the approval of the proposed license plate and the reason for such opposition;

(2) Notification that the organization seeking authorization to establish a new specialty license plate has not met all the requirements of section 301.3150;

(3) A proposed new specialty license plate containing objectionable language or design;

(4) A proposed license plate not meeting the requirements of any reason promulgated by rule. The committee shall notify the director of the department of revenue upon approval or denial of an application for the development of a specialty plate.

6. The committee shall submit records of its meetings to the secretary of the senate and the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023.

70.441. DEFINITIONS — PROVISIONS TO APPLY IN INTERPRETING THIS SECTION — PROHIBITED ACTS — VIOLATION OF SECTION, PENALTY — SUBSEQUENT VIOLATIONS, PENALTY — JUVENILE OFFENDERS, JURISDICTION — STALLED VEHICLES, REMOVAL. — 1. As used in this section, the following terms have the following meanings:

(1) "Agency", the bi-state development agency created by compact under section 70.370;

(2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or train, locomotive, or other vehicle used or held for use by the agency as a means of transportation of passengers;

(3) "Facilities" includes all property and equipment, including, without limitation, rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices, parking lots and other real estate or personal property used or held for or incidental to the operation, rehabilitation or improvement of any public mass transportation system of the agency;

(4) "Person", any individual, firm, copartnership, corporation, association or company; and

(5) "Sound production device" includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device and any sound amplifier.

2. In interpreting or applying this section, the following provisions shall apply:

(1) Any act otherwise prohibited by this section is lawful if specifically authorized by agreement, permit, license or other writing duly signed by an authorized officer of the agency or if performed by an officer, employee or designated agent of the agency acting within the scope of his or her employment or agency;

(2) Rules shall apply with equal force to any person assisting, aiding or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting another in the avoidance of any of the requirements of the rules; and

(3) The singular shall mean and include the plural; the masculine gender shall mean the feminine and the neuter genders; and vice versa.

3. (1) No person shall use or enter upon the light rail conveyances of the agency without payment of the fare or other lawful charges established by the agency. Any person on any such conveyance must have properly validated fare media in his possession. This ticket must be valid

to or from the station the passenger is using, and must have been used for entry for the trip then being taken;

(2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare media to gain entry to the facilities or conveyances of, or make use of the services of, the agency, except as provided, authorized or sold by the agency and in accordance with any restriction on the use thereof imposed by the agency;

(3) No person shall enter upon parking lots designated by the agency as requiring payment to enter, either by electronic gate or parking meters, where the cost of such parking fee is visibly displayed at each location, without payment of such fees or other lawful charges established by the agency;

(4) Except for employees of the agency acting within the scope of their employment, no person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass, badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to or use of the facilities, conveyances or services of the agency without the written permission of an authorized representative of the agency;

(5) No person shall put or attempt to put any paper, article, instrument or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare media issued by the agency and valid for the place, time and manner in which used, into any fare box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection instrument, receptacle, device, machine or location;

(6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with this section shall be confiscated;

(7) No person may perform any act which would interfere with the provision of transit service or obstruct the flow of traffic on facilities or conveyances or which would in any way interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances of the agency;

(8) All persons on or in any facility or conveyance of the agency shall:

(a) Comply with all lawful orders and directives of any agency employee acting within the scope of his employment;

(b) Obey any instructions on notices or signs duly posted on any agency facility or conveyance; and

(c) Provide accurate, complete and true information or documents requested by agency personnel acting within the scope of their employment and otherwise in accordance with law;

(9) No person shall falsely represent himself or herself as an agent, employee or representative of the agency;

(10) No person on or in any facility or conveyance shall:

(a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or unsanitary condition, including, but not limited to, spitting and urinating, except in facilities provided;

(b) Drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants;

(c) Enter or remain in any facility or conveyance while his ability to function safely in the environment of the agency transit system is impaired by the consumption of alcohol or by the taking of any drug;

(d) Loiter or stay on any facility of the agency;

(e) Consume foods or liquids of any kind, except in those areas specifically authorized by the agency;

(f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except in those areas or locations specifically authorized by the agency; or

(g) Throw or cause to be propelled any stone, projectile or other article at, from, upon or in a facility or conveyance;

(11) No weapon or other instrument intended for use as a weapon may be carried in or on any facility or conveyance, except for law enforcement personnel. For the purposes hereof, a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with metal, wood impregnated with metal filings or razor blades; except that this subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed case, box or other container which completely conceals the item from view and identification as a weapon;

(12) No explosives, flammable liquids, acids, fireworks or other highly combustible materials or radioactive materials may be carried on or in any facility or conveyance, except as authorized by the agency;

(13) No person, except as specifically authorized by the agency, shall enter or attempt to enter into any area not open to the public, including, but not limited to, motorman's cabs, conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment;

(14) No person may ride on the roof, the platform between rapid transit cars, or on any other area outside any rapid transit car or bus or other conveyance operated by the agency;

(15) No person shall extend his hand, arm, leg, head or other part of his or her person or extend any item, article or other substance outside of the window or door of a moving rapid transit car, bus or other conveyance operated by the agency;

(16) No person shall enter or leave a rapid transit car, bus or other conveyance operated by the agency except through the entrances and exits provided for that purpose;

(17) No animals may be taken on or into any conveyance or facility except the following:

(a) An animal enclosed in a container, accompanied by the passenger and carried in a manner which does not annoy other passengers; and

(b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs accompanying trainers carrying a certificate of identification issued by a dog school;

(18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights or safety of others or without due caution and circumspection, or at a speed in such a manner as to be likely to endanger persons or property on facilities of the agency. The speed limit on parking lots and access roads shall be posted as fifteen miles per hour unless otherwise designated.

4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any violation of this section shall constitute a misdemeanor, and any person committing a violation thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall pay a fine in an amount not less than twenty-five dollars and no greater than two hundred fifty dollars per violation, in addition to court costs. Any default in the payment of a fine imposed pursuant to this section without good cause shall result in imprisonment for not more than thirty days;

(2) Unless a greater penalty is provided by the laws of the state, any person convicted a second or subsequent time for the same offense under this section shall be guilty of a misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such fine and imprisonment;

(3) Any person failing to pay the proper fare, fee or other charge for use of the facilities and conveyances of the agency shall be subject to payment of such charge as part of the judgment against the violator. All proceeds from judgments for unpaid fares or charges shall be directed to the appropriate agency official;

(4) All juvenile offenders violating the provisions of this section shall be subject to the jurisdiction of the juvenile court as provided in chapter 211;

(5) As used in this section, the term "conviction" shall include all pleas of guilty and findings of guilt.

5. **Any person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of the bi-state development agency, as described in subdivision (3) of subsection 4 of this section, may, in addition to the unpaid fares or charges and any fines, penalties, or sentences imposed by law, be required to reimburse the reasonable costs attributable to the enforcement, investigation, and prosecution of such offense by the bi-state development agency. The court shall direct the reimbursement proceeds to the appropriate agency official.**

6. (1) Stalled or disabled vehicles may be removed from the roadways of the agency property by the agency and parked or stored elsewhere at the risk and expense of the owner;

(2) Motor vehicles which are left unattended or abandoned on the property of the agency for a period of over seventy-two hours may be removed as provided for in section 304.155, except that the removal may be authorized by personnel designated by the agency under section 70.378.

142.932. HIGHWAY OPERATION OF VEHICLE WITH DYED FUEL PROHIBITED, WHEN — UNLAWFUL USE OF DYED FUEL — PENALTIES. — 1. No person shall operate or maintain a motor vehicle on any public highway in this state with motor fuel contained in the fuel supply tank for the motor vehicle that contains dye as provided pursuant to this chapter.

2. This section does not apply to:

(1) Persons operating motor vehicles that have received fuel into their fuel tanks outside of this state in a jurisdiction that permits introduction of dyed motor fuel of that color and type into the motor fuel tank of highway vehicles; [or]

(2) Uses of dyed fuel on the highway which are lawful under the Internal Revenue Code and regulations thereunder and as set forth in this chapter unless otherwise prohibited by this chapter; or

(3) Persons operating motor vehicles during a state of emergency declaration by the governor, when such motor vehicles are engaged in public safety matters or in restoration of utility services attributable to the state of emergency. This exception shall apply to public utility and rural electric cooperative motor vehicles and the motor vehicles of persons contracting with such entities for the purpose of restoring utility service attributable to the state of emergency.

3. No person shall sell or hold for sale dyed diesel fuel or dyed kerosene for any use that the person knows or has reason to know is a taxable use of the diesel fuel.

4. No person shall use or hold for use any dyed diesel fuel for a taxable use when the person knew or had reason to know that the diesel fuel was so dyed.

5. No person shall willfully, with intent to evade tax, alter or attempt to alter the strength or composition of any dye or marker in any dyed diesel fuel or dyed kerosene.

6. Any person who knowingly violates or knowingly aids and abets another to violate the provisions of this section with the intent to evade the tax levied by this chapter shall be guilty of a class A misdemeanor.

7. Any person or business entity, each officer, employee, or agent of the entity who willfully participates in any act in violation of this section shall be jointly and severally liable with the entity for the tax and penalty which shall be the same as imposed pursuant to 26 U.S.C., Section 6715 or its successor section.

144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES. — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United

States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) **Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;**

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have

the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

[(5)] (6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

[(6)] (7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

[(7)] (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

[(8)] (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

[(9)] (10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

[(10)] (11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

[(11)] (12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

[(12)] (13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision [(4)] (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

[(13)] (14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

[(14)] (15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

[(15)] (16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

[(16)] (17) Tangible personal property purchased by a rural water district;

[(17)] (18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated

by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

[(18)] (19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

[(19)] (20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

[(20)] (21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision **[(19)] (20)** of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

[(21)] (22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

[(22)] (23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or

poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

[(23)] (24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

~~[(24)]~~ **(25)** All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

~~[(25)]~~ **(26)** Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

~~[(26)]~~ **(27)** Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

~~[(27)]~~ **(28)** All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

~~[(28)]~~ **(29)** Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

~~[(29)]~~ **(30)** All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

~~[(30)]~~ **(31)** All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

~~[(31)]~~ **(32)** Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision ~~[(4)]~~ **(5)** of this subsection;

~~[(32)]~~ **(33)** Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

~~[(33)]~~ **(34)** Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

~~[(34)]~~ **(35)** All sales of grain bins for storage of grain for resale;

~~[(35)]~~ **(36)** All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

~~[(36)]~~ **(37)** All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

[(37)] **(38)** All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

[(38)] **(39)** Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

[(39)] **(40)** All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

[(40)] **(41)** Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

[(41)] **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event.

226.500. PURPOSE OF LAW. — The general assembly finds and declares that outdoor advertising is a legitimate commercial use of private property adjacent to the interstate and primary highway systems and that it is necessary to regulate and control same to promote highway safety, to promote convenience and enjoyment of highway travel, and to preserve the natural scenic beauty of highways and adjacent areas. The general assembly further declares it to be the policy of this state that the erection and maintenance of outdoor advertising in areas adjacent to the interstate and primary highway systems be regulated in accordance with sections 226.500 to 226.600 and rules and regulations promulgated by the state Highways and Transportation Commission pursuant thereto **and may confer with the department of public safety regarding highway safety, the department of economic development and the state division of tourism with regard to promoting the convenience and enjoyment of highway travel, and the departments of conservation and natural resources regarding the preservation of the natural scenic beauty of adjacent areas.**

226.541. CONFORMING OUT-OF-STANDARD SIGNS TREATED AS CONFORMING, WHEN — DEFINITIONS — DUTIES OF OWNERS — LOCAL ZONING AUTHORITIES MAY PROHIBIT RESETTING OF SIGNS — INSPECTIONS. — 1. As used in this section, the following words or phrases mean:

(1) "Conforming out of standard signs", signs that fail to meet the current statutory and administrative rule requirements for outdoor advertising but currently comply with the terms of the federal/state agreement and meet the August 27, 1999, statutory and administrative rule requirements that governed outdoor advertising and the highway beautification act of 1965;

(2) "Federal/state agreement", an agreement executed between the United States Department of Transportation and the state Highways and Transportation Commission on February 22, 1972, for carrying out national policy relative to control of outdoor

advertising in areas adjacent to the national system of interstate and defense highways and the federal-aid primary system;

(3) "Qualifying signs", signs which meet the requirements for outdoor advertising in effect on August 27, 1999, and the requirements of the federal/state agreement;

(4) "Reset", movement of a sign structure from one location to another location on the same or adjoining property, if the adjoining property is zoned commercial or industrial or in an unzoned commercial or industrial area and the owner of the sign has obtained the legal right to erect a sign on the adjoining property from its owner, as authorized by a sign permit amendment and the terms of an executed written partial waiver and reset agreement between the permit owner and the state Highways and Transportation Commission;

(5) "Substantially rebuilt", any reconstruction or repair of a sign that requires the replacement of more than fifty percent of the sign structure's support poles in a twelve-month period.

2. Subject to the provisions of this section, and if allowed by applicable local regulations, conforming out of standard signs shall be treated as conforming signs under commission administrative rules, including new display technologies, lighting, cutouts, and extensions, except that such signs shall not be substantially rebuilt except in accordance with the provisions of this section. If allowed by applicable local regulations, new technologies, lighting, cutouts, and extensions may be utilized on conforming and conforming out of standard signs in accordance with Missouri department of transportation regulations.

3. If allowed by applicable local regulations, a conforming out of standard sign may be upgraded:

(1) Up to twenty percent of the sign face, not to exceed one hundred sixty square feet of area, with digital technology for displaying text or numbers in accordance with current law and rules; or

(2) More than twenty percent only if it maintains a distance of at least one thousand four hundred feet from any other such digital technology display sign.

4. Notwithstanding any provision of the law to the contrary, a conforming out of standard sign may be unstacked by closing the gap between the signs or by replacing the faces with one display area. The resulting sign face square footage shall not exceed the square footage of the original stacked structure. A conforming out of standard sign structure height may be lowered.

5. On the date the commission approves funding for any phase or portion of construction or reconstruction of any street or highway, the rules in effect for outdoor advertising on August 27, 1999, shall be reinstated for that section of highway scheduled for construction and there shall immediately be a moratorium imposed on the issuance of state sign permits for new sign structures.

6. Owners of existing signs which meet the requirements for outdoor advertising in effect on August 27, 1999, and the requirements of the federal/state agreement and who voluntarily execute a partial waiver and reset agreement may reset such signs on the same or adjoining property. Such reset agreements shall be contingent upon obtaining any required local approval to reset the sign structure. Any sign which has been reset must still comply with the August 27, 1999, outdoor advertising regulations after it has been reset.

7. Owners of existing signs who elect to reset qualifying signs shall receive compensation from the state Highways and Transportation Commission or in accordance with a cost sharing agreement representing the actual cost to reset the existing sign. Signs which have been reset under these provisions must be reconstructed of the same type materials and may not exceed the square footage of the original sign structure.

8. Sign owners may elect to reset existing qualifying signs by executing a partial waiver and reset agreement with the commission. Such agreement shall specify the size, type, and location of the rebuilt sign and the reset expenses to be paid to the owner by the commission. The commission may consider the impact of a potential reset upon scenic, natural, historic, or other features in the surrounding area in its determination of whether to enter into a reset agreement.

9. Immediately upon the completion of construction on any section of highway, the moratorium on new permits shall be lifted and the rules for outdoor advertising in effect on the date the construction is completed shall apply to such section of highway.

10. Local zoning authorities may prohibit the resetting of qualifying signs which fail to comply with local regulations.

11. The state Highways and Transportation Commission, in accordance with section 226.500, shall review its current rules and regulations and solicit industry, stakeholder, and public comments regarding digital technology upgrades, including but not limited to, ad copy duration, distance from interchanges, brightness controls, including light sensors and timers, and distance from other billboards prior to implementing the sign reset agreement program or digital upgrade regulations described in this section.

12. All signs shall be subject to the biennial inspection fees under section 226.550.

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, 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;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and

operators for the purpose of transporting vehicles in transit from one place to another by the driveway 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) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

(14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

(15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

(16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

(17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

(18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

(19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

(22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

(23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

(24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area

extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(28) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) ["Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

(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;

[(34)] (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

[(35)] (34) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

[(36)] (35) "Motorcycle", a motor vehicle operated on two wheels;

[(37)] (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic

centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

[(38)] (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(39)] (38) "Municipality", any city, town or village, whether incorporated or not;

[(40)] (39) "Nonresident", a resident of a state or country other than the state of Missouri;

[(41)] (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(42)] (41) "Operator", any person who operates or drives a motor vehicle;

[(43)] (42) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

[(44)] (43) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

[(45)] (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

[(46)] (45) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

[(47)] (46) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

[(48)] (47) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an unladen dry weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV trails;

[(49)] (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[(50)] (49) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

[(51)] (50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(52)] (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation

on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

[(53)] **(52)** "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[(54)] **(53)** "**Scrap processor**", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling;

(54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(55) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(56) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(58) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(60) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

(61) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(63) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(64) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(66) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section [302.010] **303.020**; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(69) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.032. FLEET VEHICLE REGISTRATION, DIRECTOR TO ESTABLISH SYSTEM — PROCEDURES — SPECIAL LICENSE PLATES — EXEMPT FROM INSPECTION REQUIREMENTS, WHEN. — 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall

prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April [each year] **of the corresponding year** or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of [each year] **the corresponding year**, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, [owners of] **a fleet owner of at least fifty** fleet vehicles may apply for fleet license plates bearing a company name or logo, **the size and design thereof subject to approval by the director**. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.

5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.

301.069. DRIVEAWAY LICENSE PLATES, RESTRICTION ON USE — ANNUAL DRIVEAWAY LICENSE OR CHOICE OF BIENNIAL LICENSE, FEES — APPLICATION, CONTENTS — VIOLATION, PENALTY. — 1. A driveaway license plate may not be used on a vehicle used or operated on a highway except for the purpose of transporting vehicles in transit. Driveaway license plates may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly

parked, or burned vehicles. **Driveaway license plates shall only be used by owners, corporate officers, or employees of the business to which the plate was issued.** For each driveaway license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. Applicants may choose to obtain biennial driveaway licenses. The fee for biennial driveaway licenses shall be eighty-nine dollars. For single trips the fee shall be four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations.

2. No driveaway license plates shall be issued by the director of revenue unless the applicant therefor shall make application for such plate and shall therein include:

(1) The business name, business street address, and business telephone number of the applicant;

(2) The business owner's full name, date of birth, driver's license number or nondriver's license number, residence street address, and residence telephone number;

(3) The signature and printed name of the business owner or authorized representative of the business presenting such application; and

(4) A statement explaining what the driveaway license plate or plates will be used for. The applicant shall provide certification of proof of financial responsibility, as defined in section 303.020, sufficient to cover each motor vehicle the applicant shall operate or otherwise move on the streets or highways, through use of the driveaway license plate, during the period of registration. The applicant shall provide such certification by affixing a copy of said certification to the application. The application shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building and sign of the applicant's business. The applicant shall maintain a working, landline telephone at the applicant's place of business throughout the registration period. The applicant shall maintain certification of proof of financial responsibility as described herein throughout the registration period.

3. If any of the information required by this section to be reported by the applicant changes during the registration period, the applicant shall report said changes to the department of revenue within ten days of the date of the change.

4. Any violation of this section or misrepresentation contained in an application for driveaway license plate shall result in the revocation of the applicant's driveaway license plate and any subsequent application for a driveaway license plate shall be denied for two years from the date of violation. "Applicant" shall include any officer of a business or any employee or agent thereof.

5. Any person who knowingly uses a revoked driveaway license plate shall be deemed guilty of a class A misdemeanor.

301.140. PLATES REMOVED ON TRANSFER OR SALE OF VEHICLES — USE BY PURCHASER — REREGISTRATION — USE OF DEALER PLATES — TEMPORARY PERMITS, FEES — CREDIT, WHEN — EXPIRATION DATE, CERTAIN SUBSECTIONS — ADDITIONAL TEMPORARY LICENSE PLATE MAY BE PURCHASED, WHEN. — 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold

by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5. The temporary permit shall be made available by the director of revenue and may be purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer. The director shall make temporary permits available to registered dealers in this state or authorized agents of the department of revenue in sets of ten permits. The fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate issued. No dealer or authorized agent shall charge more than seven dollars and fifty cents for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility.

6. The permit shall be issued on a form prescribed by the director and issued only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant to legally operate the vehicle while proper title and registration plate are being obtained, and shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director shall determine the size and numbering configuration, construction, and color of the permit.

7. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary permit shall keep, for inspection of proper officers, a correct record of each permit issued by recording the permit or plate number, buyer's name and address, year, make, manufacturer's vehicle identification number on which the permit is to be used, and the date of issuance.

8. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

9. **An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 5 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 5 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.**

10. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

301.216. DEPARTMENT INVESTIGATORS DEEMED PEACE OFFICERS WHILE ACTING IN SCOPE OF AUTHORITY, WHEN — LIMITATION ON POWER TO ARREST. — Department investigators licensed as peace officers by the director of the department of public safety under chapter 590 shall be deemed to be peace officers within the state of Missouri while acting in an investigation to enforce the provisions of this chapter and any provisions regarding fees, licenses, or taxes administered by the director. The power of arrest of a department investigator acting as a peace officer shall be limited to offenses involving fees, licenses, taxes, or in situations of imminent danger to the investigator or another person.

301.218. LICENSES REQUIRED FOR CERTAIN BUSINESSES — BUYERS AT SALVAGE POOL OR SALVAGE DISPOSAL SALE, REQUIREMENTS — RECORDS TO BE KEPT OF SALES BY OPERATOR. — 1. No person shall, except as an incident to the sale, repair, rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer, carry on or conduct the following business unless licensed to do so by the department of revenue under sections 301.217 to 301.229:

(1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined in section 301.010;

(2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a salvage dealer or dismantler, as defined in section 301.010;

(3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar year as a rebuilder or body shop, as defined in section 301.010;

(4) Processing scrapped vehicles or vehicle parts as a [mobile] scrap processor, as defined in section 301.010.

2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to persons actually engaged in and holding a current license under sections 301.217 to 301.221 and 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing salvage vehicles for export outside of the United States. Operators of salvage pools or salvage disposal sales shall keep a record, for three years, of sales of salvage vehicles with the purchasers' name and address, and the year, make, and vehicle identification number for each vehicle. These records shall be open for inspection as provided in section 301.225. Such records shall be submitted to the department on a quarterly basis.

3. The operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who sells a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident of the United States at a salvage pool or a salvage disposal sale shall:

(1) Stamp on the face of the title so as not to obscure any name, date, or mileage statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and

(2) Stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the salvage pool, or the name of the governmental entity, as applicable. The words "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

4. The director of revenue shall issue a separate license for each kind of business described in subsection 1 of this section, to be entitled and designated as either "used parts dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "[mobile] scrap processor" license.

301.260. STATE AND MUNICIPALLY OWNED MOTOR VEHICLES—PUBLIC SCHOOLS AND COLLEGES COURTESY OR DRIVER TRAINING VEHICLES—REGULATIONS. — 1. The director of revenue shall issue certificates for all cars owned by the state of Missouri and shall assign to each of such cars two plates bearing the words: "State of Missouri, official car number" (with the number inserted thereon), which plates shall be displayed on such cars when they are being used on the highways. No officer or employee or other person shall use such a motor vehicle for other than official use.

2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of sections 301.010 to 301.440 while being operated within the limits of such municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and display of number plates; provided, however, that there shall be [displayed] **a plate, or**, on each side of such motor vehicle, [in] letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, **to display** the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. Provided, further, that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words "School Bus, State of Missouri, car no." (with the number

inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes.

3. For registration purposes only, a public school or college shall be considered the temporary owner of a vehicle acquired from a new motor vehicle franchised dealer which is to be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to the director of revenue a copy of a lease agreement with an option to purchase clause between the authorized new motor vehicle franchised dealer and the school or college and a photocopy of the front of the dealer's vehicle manufacturer's statement of origin, and shall make application for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle is plainly marked as a driver training vehicle while being used for such purpose and such vehicle can also be used in conjunction with the activities of the educational institution.

4. As used in this section, the term "political subdivision" is intended to include any township, road district, sewer district, school district, municipality, town or village, sheltered workshop, as defined in section 178.900, and any interstate compact agency which operates a public mass transportation system.

301.280. DEALERS AND GARAGE KEEPERS, SALES REPORT REQUIRED — UNCLAIMED VEHICLE REPORT REQUIRED, CONTENTS — ALTERATION OF VEHICLE IDENTIFICATION NUMBER, EFFECT — FALSE STATEMENT, PENALTY. — 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of revenue, giving the following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection 8 of section 144.070 shall also include the amount of state and local sales tax collected for each motor vehicle sold if sales tax was due. The odometer reading is not required when reporting the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The sale of all thirty-day temporary permits, without exception, shall be recorded in the appropriate space on the dealer's monthly sales report by recording the complete permit number issued on the motor vehicle or trailer sale listed. The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are being reported. If no sales occur in any given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the dealership location and shall hold them available for inspection by appropriate law enforcement officials and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with the department in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice of transfer required by section 301.196. For any dealer not filing electronically, the notice of transfer required by section 301.196 shall be submitted with the monthly sales report as prescribed by the director.

2. Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the person delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for [three] **five** years and be open for inspection by law enforcement officials, members or authorized or designated employees of the Missouri highway patrol, and persons, agencies and officials designated by the director of revenue.

3. Every dealer and every person operating a public garage in which a motor vehicle remains unclaimed for a period of fifteen days shall, within five days after the expiration of that period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and address are known to the dealer or his employee or person operating a public garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking or storing.

4. The director of revenue shall maintain appropriately indexed cumulative records of unclaimed vehicles reported to the director. Such records shall be kept open to public inspection during reasonable business hours.

5. The alteration or obliteration of the vehicle identification number on any such motor vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public garage shall upon the discovery of such obliteration or alteration immediately notify the highway patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-eight hours for the purpose of an investigation by the officer so notified.

6. Any person who knowingly makes a false statement or omission of a material fact in a monthly sales report to the department of revenue, as described in subsection 1 of this section, shall be deemed guilty of a class A misdemeanor.

301.559. LICENSES REQUIRED FOR DEALER, MANUFACTURER OR AUCTION, PENALTY, EXPIRATION OF—ISSUANCE, APPLICATION—LICENSE NOT REQUIRED, WHEN.— 1. It shall be unlawful for any person to engage in business as or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a license from the department as required in sections 301.550 to 301.573. Any person who maintains or operates any business wherein a license is required pursuant to the provisions of sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class D felony.

2. All dealer licenses shall expire on December thirty-first of [each year] **the designated license period**. The department shall notify each person licensed under sections 301.550 to 301.573 of the date of license expiration and the amount of the fee required for renewal. The notice shall be mailed at least ninety days before the date of license expiration to the licensee's last known business address. **The director shall have the authority to issue licenses valid for a period of up to two years and to stagger the license periods for administrative efficiency and equalization of workload, at the sole discretion of the director.**

3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make application to the department for issuance of a license. The application shall be on forms prescribed by the department and shall be issued under the terms and provisions of sections 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a license, to provide such information as the department may deem necessary to determine that the

applicant is bona fide and of good moral character, except that every application for a license shall contain, in addition to such information as the department may require, a statement to the following facts:

(1) The name and business address, not a post office box, of the applicant and the fictitious name, if any, under which he intends to conduct his business; and if the applicant be a partnership, the name and residence address of each partner, an indication of whether the partner is a limited or general partner and the name under which the partnership business is to be conducted. In the event that the applicant is a corporation, the application shall list the names of the principal officers of the corporation and the state in which it is incorporated. Each application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer;

(2) Whether the application is being made for registration as a manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

(3) When the application is for a new motor vehicle franchise dealer, the application shall be accompanied by a copy of the franchise agreement in the registered name of the dealership setting out the appointment of the applicant as a franchise holder and it shall be signed by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall include a description of the make of all motor vehicles covered by the franchise. The department shall not require a copy of the franchise agreement to be submitted with each renewal application unless the applicant is now the holder of a franchise from a different manufacturer or distributor from that previously filed, or unless a new term of agreement has been entered into;

(4) When the application is for a public motor vehicle auction, that the public motor vehicle auction has met the requirements of section 301.561.

4. No insurance company, finance company, credit union, savings and loan association, bank or trust company shall be required to obtain a license from the department in order to sell any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance with applicable title and registration laws of this state.

5. No person shall be issued a license to conduct a public motor vehicle auction or wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573 or other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which resulted in a felony conviction or finding of guilt or a violation of any federal motor vehicle laws which resulted in a felony conviction or finding of guilt.

301.560. APPLICATION REQUIREMENTS, ADDITIONAL — BONDS, FEES, SIGNS REQUIRED — LICENSE NUMBER, CERTIFICATE OF NUMBERS — DUPLICATE DEALER PLATES, ISSUES, FEES — TEST DRIVING MOTOR VEHICLES AND VESSELS, USE OF PLATES — PROOF OF EDUCATIONAL SEMINAR REQUIRED, EXCEPTIONS, CONTENTS OF SEMINAR. — 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. Such application shall include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. The certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant's place of business is located; except that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a

uniformed member of the Missouri state water patrol stationed in the district area in which the applicant's place of business is located or by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant's place of business shall contain a working telephone which shall be maintained during the entire registration year. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales;

(2) The initial application for licensure shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building, lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section [400.5-103] **400.5-102**, issued by any state or federal financial institution in the penal sum of twenty-five thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle

dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured;

(4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to [301.573] **301.580**. All fees payable pursuant to the provisions of sections 301.550 to [301.573] **301.580**, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080 to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such 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 multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.

3. Upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentation of the application. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise dealers	D-0 through D-999
New powersport dealers and motorcycle franchise dealers	D-1000 through D-1999
Used motor vehicle, used powersport, and used motorcycle dealers.	D-2000 through D-9999
Wholesale motor vehicle dealers	W-0 through W-1999
Wholesale motor vehicle auctions	WA-0 through WA-999
New and used trailer dealers	T-0 through T-9999
Motor vehicle, trailer, and boat manufacturers	DM-0 through DM-999
Public motor vehicle auctions.	A-0 through A-1999
Boat dealers	M-0 through M-9999
New and used recreational motor vehicle dealers	RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under

this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year. The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

5. Upon the sale of a currently licensed new motor vehicle franchise dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer.

6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional number plates and as many additional certificates of number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle

dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show.

9. If any law enforcement officer has probable cause to believe that any license plate or certificate of number issued under subsection 3 or 6 of this section is being misused in violation of subsection 7 or 8 of this section, the license plate or certificate of number may be seized and surrendered to the department.

10. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.

301.562. LICENSE SUSPENSION, REVOCATION, REFUSAL TO RENEW — PROCEDURE — GROUNDS — COMPLAINT MAY BE FILED, WHEN — CLEAR AND PRESENT DANGER, WHAT CONSTITUTES, REVOCATION OR SUSPENSION AUTHORIZED, PROCEDURE. — 1. The department may refuse to issue or renew any license required pursuant to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant or licensee in writing at his or her last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued under sections 301.550 to 301.573 for any one or any combination of the following causes:

(1) The applicant or license holder was previously the holder of a license issued under sections 301.550 to 301.573, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled;

(2) The applicant or license holder was previously a partner, stockholder, director or officer controlling or managing a partnership or corporation whose license issued under sections 301.550 to 301.573 was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;

(3) The applicant or license holder has, within ten years prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any business licensed under sections 301.550 to

301.573; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued pursuant to sections 301.550 to 301.573;

(5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation;

(6) Violation of, or assisting or enabling any person to violate any provisions of this chapter and chapters **143**, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation adopted pursuant to this chapter and chapters **143**, **144**, 306, 307, 407, 578, and 643;

(7) The applicant or license holder has filed an application for a license which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(8) The applicant or license holder has failed to pay the proper application or license fee or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a bona fide place of business;

(9) Uses or permits the use of any special license or license plate assigned to the license holder for any purpose other than those permitted by law;

(10) The applicant or license holder is finally adjudged insane or incompetent by a court of competent jurisdiction;

(11) Use of any advertisement or solicitation which is false;

(12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which result in a conviction or finding of guilt.

3. Any such complaint shall be filed within one year of the date upon which the department receives notice of an alleged violation of an applicable statute or regulation. After the filing of such complaint, the proceedings shall, **except for the matters set forth in subsection 5 of this section**, be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, refuse to issue the person a license, **issue a license for a period of less than two years**, issue a private reprimand, place the person on probation on such terms and conditions as the department deems appropriate for a period of one day to five years, suspend the person's license from one day to six days, or revoke the person's license for such period as the department deems appropriate. The applicant or licensee shall have the right to appeal the decision of the administrative hearing commission and department in the manner provided in chapter 536.

4. Upon the suspension or revocation of any person's license issued under sections 301.550 to 301.573, the department shall recall any distinctive number plates that were issued to that licensee. **If any licensee who has been suspended or revoked shall neglect or refuse to surrender his or her license or distinctive number license plates issued under sections 301.550 to 301.580, the director shall direct any agent or employee of the department or any law enforcement officer, to secure possession thereof and return such items to the director. For purposes of this subsection, a "law enforcement officer" means any member of the highway patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his or her official capacity. Failure of the licensee to surrender his or her license or distinctive number license plates upon demand by the director, any agent or employee of the department, or any law enforcement officer shall be a class A misdemeanor.**

5. Notwithstanding the foregoing provisions of this section, the following events or acts by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a clear and present danger to the public welfare and shall be considered cause for

suspension or revocation of such license under the procedure set forth in subsection 6 of this section, at the discretion of the director:

(1) The expiration or revocation of any corporate surety bond or irrevocable letter of credit, as required by section 301.560, without submission of a replacement bond or letter of credit which provides coverage for the entire period of licensure;

(2) The failure to maintain a bona fide established place of business as required by section 301.560;

(3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section; or

(4) Three or more occurrences of violations, which have been established following proceedings before the administrative hearing commission under subsection 3 of this section, or which have been established following proceedings before the director under subsection 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not previously set forth herein.

6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or revoked, following an evidentiary hearing before the director or his or her designated hearing officer, if affidavits or sworn testimony by an authorized agent of the department alleges the occurrence of any of the events or acts described in subsection 5 of this section.

(2) For any license which the department believes may be subject to suspension or revocation under this subsection, the director shall immediately issue a notice of hearing to the licensee of record. The director's notice of hearing:

(a) Shall be served upon the licensee personally or by first class mail to the dealer's last known address, as registered with the director;

(b) Shall be based on affidavits or sworn testimony presented to the director, and shall notify the licensee that such information presented therein constitutes cause to suspend or revoke the licensee's license;

(c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

(d) Shall specify the events or acts which may provide cause for suspension or revocation of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other information presented to the director which support discipline of the license; and

(e) Shall inform the licensee that he or she has the right to attend the hearing and present any evidence in his or her defense, including evidence to show that the event or act which may result in suspension or revocation has been corrected to the director's satisfaction, and that he or she may be represented by counsel at the hearing.

(3) At any hearing before the director conducted under this subsection, the director or his or her designated hearing officer shall consider all evidence relevant to the issue of whether the license should be suspended or revoked due to the occurrence of any of the acts set forth in subsection 5 herein. Within twenty business days after such hearing, the director or his or her designated hearing officer shall issue a written order, with findings of fact and conclusions of law, which either grants or denies the issuance of an order of suspension or revocation. The suspension or revocation shall be effective ten days after the date of the order. The written order of the director or his or her hearing officer shall be the final decision of the director and shall be subject to judicial review under the provisions of chapter 536.

(4) Notwithstanding the provisions of this chapter or chapter 610 or 621, to the contrary, the proceedings under this section shall be closed and no order shall be made public until it is final, for purposes of appeal.

301.567. ADVERTISING STANDARDS, VIOLATION OF, WHEN. — 1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by

the advertising dealer to obtain a fee or other compensation by fraud, deception or misrepresentation in violation of section 301.562:

(1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a new motor vehicle as defined in section 301.550;

(2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term "used", or by such other term as is commonly understood to mean that the vehicle is used;

(3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;

(4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory;

(5) The terms "list price", "sticker price", or "suggested retail price" shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the manufacturer's suggested retail price of the advertised vehicle;

(6) Terms such as "at cost", "\$..... above cost", "invoice price", and "\$ below/over invoice" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale;

(7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the dealer, except buyer-selected options and state and local taxes. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed within the advertisement;

(8) Advertisements of dealer rebates shall not be used, however, this shall not be deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates are clearly and conspicuously disclosed;

(9) "Free"[,] or "at no cost" shall not be used if any purchase is required to qualify for the free item, merchandise, or service;

(10) Bait advertising, in which an advertiser may have no intention to sell at the prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the following examples:

(a) Not having available for sale the advertised motor vehicles at the advertised prices. If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such vehicles, and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, such limitations shall be stated in the advertisement;

(b) Advertising a motor vehicle at a specified price, including such terms as "as low as \$.....", but having available for sale only vehicles equipped with dealer-added cost options which increase the selling price above the advertised price;

(11) Any reference to monthly payments, down payments, or other reference to financing or leasing information shall be accompanied by a clear and conspicuous disclosure of the following:

(a) Whether the payment or other information relates to a financing or a lease transaction;

(b) If the payment or other information relates to a financing transaction, the minimum down payment, annual percentage interest rate, and number of payments necessary to obtain the advertised payment amount must be disclosed, in addition to any special qualifications required

for obtaining the advertised terms including, but not limited to, first-time buyer discounts, college graduate discounts, and a statement concerning whether the advertised terms are subject to credit approval;

(c) If the payment or other information relates to a lease transaction, the total amount due from the purchaser at signing with such costs broken down and identified by category, lease term expressed in number of months, whether the lease is closed-end or open-end, and total cost to the lessee over the lease term in dollars;

(12) Any advertisement which states or implies that the advertising dealer has a special arrangement or relationship with the distributor or manufacturer, as compared to similarly situated dealers, shall not be used;

(13) Any advertisement which, in the circumstances under which it is made or applied, is false, deceptive, or misleading shall not be used;

(14) No abbreviations for industry words or phrases shall be used in any advertisement unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

2. The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, or electronic media, or direct mail. If the advertisement is by means of a broadcast or print media, a dealer may provide the disclaimers and disclosures required under subdivision (3) of subsection 1 of this section by reference to an Internet web page or toll-free telephone number containing the information required to be disclosed.

3. Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with subsection 6 of section 301.560.

301.570. SALE OF SIX OR MORE MOTOR VEHICLES IN A YEAR WITHOUT LICENSE, PROHIBITED — PROSECUTING ATTORNEY, DUTIES — PENALTY, EXCEPTIONS. — 1. It shall be unlawful for any person, partnership, corporation, company or association, unless the seller is a financial institution, or is selling repossessed motor vehicles or is disposing of vehicles used and titled solely in its ordinary course of business or is a collector of antique motor vehicles, to sell or display with an intent to sell six or more motor vehicles in a calendar year, except when such motor vehicles are registered in the name of the seller, unless such person, partnership, corporation, company or association is:

(1) Licensed as a motor vehicle dealer by the department under the provisions of sections 301.550 to 301.573;

(2) Exempt from licensure as a motor vehicle dealer pursuant to subsection 4 of section 301.559;

(3) Selling commercial motor vehicles with a gross weight of at least nineteen thousand five hundred pounds, but only with respect to such commercial motor vehicles;

(4) An auctioneer, acting at the request of the owner at an auction, when such auction is not a public motor vehicle auction.

2. Any person, partnership, corporation, company or association that has reason to believe that the provisions of this section are being violated shall file a complaint with the prosecuting attorney in the county in which the violation occurred. The prosecuting attorney shall investigate the complaint and take appropriate action.

3. For the purposes of sections 301.550 to 301.573, the sale, barter, exchange, lease or rental with option to purchase of six or more motor vehicles in a calendar year by any person, partnership, corporation, company or association, whether or not the motor vehicles are owned by them, shall be prima facie evidence of intent to make a profit or gain of money and such person, partnership, corporation, company or association shall be deemed to be acting as a motor vehicle dealer without a license.

4. Any person, partnership, corporation, company or association who violates subsection 1 of this section is guilty of a class A misdemeanor. **A second or subsequent conviction shall be deemed a class D felony.**

5. The provisions of this section shall not apply to liquidation of an estate.

301.580. SPECIAL EVENT MOTOR VEHICLE AUCTION LICENSE, REQUIREMENTS, FEE — CORPORATE SURETY BOND REQUIRED — RULEMAKING AUTHORITY. — 1. The department of revenue may issue special event motor vehicle auction licenses under the provisions of this section. For purposes of this section, a "special event motor vehicle auction" is a motor vehicle auction which:

(1) Ninety percent of the vehicles being auctioned are at least ten years old or older;
(2) The licensee shall auction no more than three percent of the total number of vehicles presented for auction which are owned and titled in the name of the licensee or its owners; and

(3) The duration is no more than three consecutive calendar days and is held no more than two times in a calendar year by a licensee.

2. A special event motor vehicle auction shall be considered a public motor vehicle auction for purposes of sections 301.559 and 301.564.

3. Special event motor vehicle auction licensees shall be exempt from the requirements of section 301.560, with the exception of subdivision (4) of subsection 1 of section 301.560.

4. An application for a special event motor vehicle auction license must be received by the department at least ninety days prior to the beginning of the special event auction.

5. Applicants for a special motor vehicle auction are limited to no more than two special event auctions in any calendar year. A separate application is required for each special event motor vehicle auction.

6. At least ninety percent of the vehicles being auctioned at a special event motor vehicle auction shall be ten years old or older. The licensee shall, within ten days of the conclusion of a special event motor vehicle auction, submit a report in the form approved by the director to the department that includes the make, model, year, and vehicle identification number of each vehicle included in the auction. Every vehicle included in the special event auction shall be listed, including those vehicles that were auctioned and sold and those vehicles that were auctioned but did not sell. Violation of this subsection is a class A misdemeanor.

7. The applicant for the special event motor vehicle auction shall be responsible for ensuring that a sales tax license or special event sales tax license is obtained for the event if one is required.

8. The fee for a special event motor vehicle auction license shall be one thousand dollars. For every vehicle auctioned in violation of subsection 6 of this section, an administrative fee of five hundred dollars shall be paid to the department. Such fees shall be deposited in like manner as other license fees of this section.

9. In addition to the causes set forth in section 301.562, the department may promulgate rules that establish additional causes to refuse to issue or to revoke a special event license.

10. A special motor vehicle auction shall last no more than three consecutive days.

11. The applicant for a special event motor vehicle auction shall be registered to conduct business in this state.

12. Every applicant for a special event motor vehicle auction license shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-102 issued by any state or federal financial institution in the penal sum of one hundred thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the applicant complying with the provisions of the statutes applicable to a special event auction license holder and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the revocation or denial of a special event auction license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as

the beneficiary. The aggregate liability of the surety or financial institution to the aggrieved parties shall not exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.

13. No dealer, driveaway, auction, or wholesale plates, or temporary permit booklets, shall be issued in conjunction with a special event motor vehicle auction license.

14. Any person or entity who sells a vehicle at a special event motor vehicle auction shall provide, to the buyer, current contact information including, but not limited to, name, address, and telephone number.

15. 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.

301.600. LIENS AND ENCUMBRANCES, HOW PERFECTED — EFFECT OF ON VEHICLES AND TRAILERS BROUGHT INTO STATE — SECURITY PROCEDURES FOR VERIFYING ELECTRONIC NOTICES. — 1. Unless excepted by section 301.650, a lien or encumbrance on a motor vehicle or trailer, as defined by section 301.010, is not valid against subsequent transferees or lienholders of the motor vehicle or trailer who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 301.600 to 301.660.

2. Subject to the provisions of section 301.620, a lien or encumbrance on a motor vehicle or trailer is perfected by the delivery to the director of revenue of a notice of a lien in a format as prescribed by the director of revenue. The notice of lien is perfected as of the time of its creation if the delivery of such notice to the director of revenue is completed within thirty days thereafter, otherwise as of the time of the delivery. A notice of lien shall contain the name and address of the owner of the motor vehicle or trailer and the secured party, a description of the motor vehicle or trailer, including the vehicle identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Provided the lienholder submits complete and legible documents, the director of revenue shall mail confirmation or electronically confirm receipt of such notice of lien to the lienholder as soon as possible, but no later than fifteen business days after the filing of the notice of lien.

3. Notwithstanding the provisions of section 301.620, on a refinance **by a different lender** of a **prior** loan secured by a motor vehicle or trailer a lien is perfected by the delivery to the director of revenue of a notice of lien completed by the refinancing lender in a format prescribed by the director of revenue.

4. To perfect a subordinate lien, the notice of lien must be accompanied by the documents required to be delivered to the director pursuant to subdivision (3) of section 301.620.

5. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" on the notice of lien and noted on the certificate of ownership if the motor vehicle or trailer is subject to only one notice of lien. To secure future advances when an existing lien on a motor vehicle or trailer does not secure future advances, the lienholder shall

file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows: proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is receipted for by the department of revenue, and returned to the lienholder.

6. If a motor vehicle or trailer is subject to a lien or encumbrance when brought into this state, the validity and effect of the lien or encumbrance is determined by the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrance attached that the motor vehicle or trailer would be kept in this state and it was brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state is determined by the law of this state;

(2) If the lien or encumbrance was perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state three months after a first certificate of ownership of the motor vehicle or trailer is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period; in that case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, it may be perfected in this state; in that case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection either as provided in subsection 2 or 4 of this section or by the lienholder delivering to the director of revenue a notice of lien or encumbrance in the form the director of revenue prescribes and the required fee.

7. By rules and regulations, the director of revenue shall establish a security procedure for the purpose of verifying that an electronic notice of lien or notice of satisfaction of a lien on a motor vehicle or trailer given as permitted in sections 301.600 to 301.640 is that of the lienholder, verifying that an electronic notice of confirmation of ownership and perfection of a lien given as required in section 301.610 is that of the director of revenue, and detecting error in the transmission or the content of any such notice. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself be a security procedure.

302.010. DEFINITIONS. — Except where otherwise provided, when used in this chapter, the following words and phrases mean:

(1) "Circuit court", each circuit court in the state;

(2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;

(3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the purpose of determining the assessment of points, and the date of

final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;

(4) **"Criminal history check", a search of criminal records, including criminal history record information as defined in section 43.500, maintained by the Missouri state highway patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal history records, including, but not limited to, any record of conviction, plea of guilty or nolo contendere, or finding of guilty in any state for any offense related to alcohol, controlled substances, or drugs;**

(5) "Director", the director of revenue acting directly or through the director's authorized officers and agents;

[(5)] (6) "Farm tractor", every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

[(6)] (7) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

[(7)] (8) "Incompetent to drive a motor vehicle", a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator's license, or who has been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;

[(8)] (9) "License", a license issued by a state to a person which authorizes a person to operate a motor vehicle;

[(9)] (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180;

[(10)] (11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in section 301.010;

[(11)] (12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

[(12)] (13) "Moving violation", that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, inclusive, relating to sizes and weights of vehicles;

[(13)] (14) "Municipal court", every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;

[(14)] (15) "Nonresident", every person who is not a resident of this state;

[(15)] (16) "Operator", every person who is in actual physical control of a motor vehicle upon a highway;

[(16)] (17) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;

[(17)] (18) "Record" includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;

[(18)] (19) "Residence address", "residence", or "resident address" shall be the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere;

[(19)] (20) "Restricted driving privilege", a driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary,

postsecondary or higher education, or for an alcohol education or treatment program or certified ignition interlock provider;

~~[(20)]~~ **(21)** "School bus", when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term "school bus" shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

- (a) On a regularly scheduled route for the transportation of fare-paying passengers; or
- (b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;

~~[(21)]~~ **(22)** "School bus operator", an operator who operates a school bus as defined in subdivision ~~[(20)]~~ **(21)** of this section in the transportation of any schoolchildren and who receives compensation for such service. The term "school bus operator" shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;

~~[(22)]~~ **(23)** "Signature", any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver's license or related document;

~~[(23)]~~ **(24)** "Substance abuse traffic offender program", a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;

~~[(24)]~~ **(25)** "Vehicle", any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.

302.060. LICENSE NOT TO BE ISSUED TO WHOM, EXCEPTIONS — REINSTATEMENT REQUIREMENTS. — 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, **including the results of a criminal history check as defined in section 302.010**. If the court finds that the petitioner has not been convicted [of] , **pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525** during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has [been convicted twice within a five-year period of violating state law, or a county or municipal ordinance, of driving while intoxicated, or any other intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section 577.023, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted or pled guilty for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated or any other intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section 577.023 for the second time] **pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;**

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's

license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

302.130. ISSUANCE OF TEMPORARY INSTRUCTION PERMIT, WHEN — REQUIREMENTS — DURATION — PERMIT DRIVER STICKER OR SIGN ISSUED, WHEN — RULEMAKING AUTHORITY. — 1. Any person at least fifteen years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent, guardian, **a person who is at least twenty-five years of age who has been licensed for a minimum of three years and has received written permission from the parent or legal guardian to escort or accompany the driver**, a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program who has a valid driver's license. An applicant for a temporary instruction permit shall successfully complete a vision test and a test of the applicant's ability to understand highway signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition, beginning January 1, 2007, no permit shall be granted pursuant to this

subsection unless a parent or legal guardian gives written permission by signing the application and in so signing, state they, or their designee as set forth in subsection 2 of this section, will provide a minimum of forty hours of behind-the-wheel driving instruction, including a minimum of ten hours of behind-the-wheel driving instruction that occurs during the nighttime hours falling between sunset and sunrise. The forty hours of behind-the-wheel driving instruction that is completed pursuant to this subsection may include any time that the holder of an instruction permit has spent operating a motor vehicle in a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or by a qualified instructor of a private drivers' education program. If the applicant for a permit is enrolled in a federal residential job training program, the instructor, as defined in subsection 5 of this section, is authorized to sign the application stating that the applicant will receive the behind-the-wheel driving instruction required by this section.

2. In the event the parent, grandparent or guardian of the person under sixteen years of age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian from being a qualified licensed operator pursuant to this section, said parent, grandparent or guardian may designate a maximum of two individuals authorized to accompany the applicant for the purpose of giving instruction in driving the motor vehicle. An authorized designee must be a licensed operator for the type of motor vehicle being operated and have attained twenty-one years of age. At least one of the designees must occupy the seat beside the applicant while giving instruction in driving the motor vehicle. The name of the authorized designees must be provided to the department of revenue by the parent, grandparent or guardian at the time of application for the temporary instruction permit. The name of each authorized designee shall be printed on the temporary instruction permit, however, the director may delay the time at which permits are printed bearing such names until the inventories of blank permits and related forms existing on August 28, 1998, are exhausted.

3. The director, upon proper application on a form prescribed by the director, in his or her discretion, may issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a high school driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education even though the applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such instruction permit shall entitle the applicant, when the applicant has such permit in his or her immediate possession, to operate a motor vehicle on the highways, but only when a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education is occupying a seat beside the driver.

4. The director, in his or her discretion, may issue a temporary driver's permit to an applicant who is otherwise qualified for a license permitting the applicant to operate a motor vehicle while the director is completing the director's investigation and determination of all facts relative to such applicant's rights to receive a license. Such permit must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

5. In the event that the applicant for a temporary instruction permit described in subsection 1 of this section is a participant in a federal residential job training program, the permittee may operate a motor vehicle accompanied by a driver training instructor who holds a valid driver education endorsement issued by the department of elementary and secondary education and a valid driver's license.

6. A person at least fifteen years of age may operate a motor vehicle as part of a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program.

7. Beginning January 1, 2003, the director shall issue with every temporary instruction permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the director by regulation. Every applicant issued a temporary instruction permit and sticker on or after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle whenever the holder of the instruction permit operates a motor vehicle during his or her temporary permit licensure period.

8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction permit issued under this section is lawfully present in the United States before accepting the application. The director shall not issue an instruction permit for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any permit issued under this section.

9. The director may adopt rules and regulations necessary to carry out the provisions of this section.

302.309. RETURN OF LICENSE, WHEN — LIMITED DRIVING PRIVILEGE, WHEN GRANTED, APPLICATION, WHEN DENIED — JUDICIAL REVIEW OF DENIAL BY DIRECTOR OF REVENUE — RULEMAKING. — 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator;

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has

discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; or

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving

privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of **subsection 1** of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. **The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or the director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding three years, the court or the director shall not grant a limited driving privilege to the applicant.**

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of **subsection 1** of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. **The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding two years, the court or the director shall not grant a limited driving privilege to the applicant.** Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue

and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. Any person who petitions a court or makes application with the director for a limited driving privilege pursuant to paragraphs (a) or (b) of subdivision (8) of subsection 3 of this section shall make application with the Missouri state highway patrol as provided in section 43.540 and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for limited driving privileges. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

6. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.341. MOVING TRAFFIC VIOLATION, FAILURE TO PREPAY FINE OR APPEAR IN COURT, LICENSE SUSPENDED, PROCEDURE — REINSTATEMENT WHEN — EXCESSIVE REVENUE FROM FINES TO BE DISTRIBUTED TO SCHOOLS — DEFINITION, STATE HIGHWAYS. — 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record **if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time**

of the offense. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town or village receives more than thirty-five percent of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways, all revenues from such violations in excess of thirty-five percent of the annual general operating revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number. The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, or village disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, or village may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

302.530. REQUEST FOR ADMINISTRATIVE REVIEW, WHEN MADE — TEMPORARY PERMIT, DURATION — TELEPHONE HEARINGS PERMITTED, WHEN — HEARING, VENUE, CONDUCT — DECISION, NOTICE, FINAL WHEN — APPEAL FOR JUDICIAL REVIEW — RULEMAKING AUTHORITY. — 1. Any person who has received a notice of suspension or revocation may make a request within fifteen days of receipt of the notice for a review of the department's determination at a hearing. If the person's driver's license has not been previously surrendered, it may be surrendered at the time the request for a hearing is made.

2. At the time the request for a hearing is made, if it appears from the record that the person is the holder of a valid driver's license issued by this state, and that the driver's license has been surrendered, the department shall issue a temporary permit which shall be valid until the scheduled date for the hearing. The department may later issue an additional temporary permit or permits in order to stay the effective date of the suspension or revocation until the final order is issued following the hearing, as required by section 302.520.

3. The hearing may be held by telephone, or if requested by the person, such person's attorney or representative, [in the county where the arrest was made] **at a regional location as designated by the director.** The hearing shall be conducted by examiners who are licensed to practice law in the state of Missouri and who are employed by the department on a part-time or full-time basis as the department may determine.

4. The sole issue at the hearing shall be whether by a preponderance of the evidence the person was driving a vehicle pursuant to the circumstances set out in section 302.505. The burden of proof shall be on the state to adduce such evidence. If the department finds the affirmative of this issue, the suspension or revocation order shall be sustained. If the department finds the negative of the issue, the suspension or revocation order shall be rescinded.

5. The procedure at such hearing shall be conducted in accordance with chapter 536, with sections 302.500 to 302.540. A report certified under subsection 2 of section 302.510 shall be admissible in a like manner as a verified report as evidence of the facts stated therein and any provision of chapter 536 to the contrary shall not apply.

6. The department shall promptly notify the person of its decision including the reasons for that decision. Such notification shall include a notice advising the person that the department's decision shall be final within fifteen days from the date such notice was mailed unless the person challenges the department's decision within that time period by filing an appeal in the circuit court in the county where the arrest occurred.

7. Unless the person, within fifteen days after being notified of the department's decision, files an appeal for judicial review pursuant to section 302.535, the decision of the department shall be final.

8. The director may adopt any rules and regulations necessary to carry out the provisions of this section.

302.700. CITATION OF LAW — DEFINITIONS. — 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

(1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;

(3) **"CDLIS driver record", the electronic record of the individual commercial driver's status and history stored by the state of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;**

(4) **"CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS driver record which meets the requirements for access to CDLIS information and is provided by states to users authorized in 49 CFR Part 384, subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;**

(5) "Commercial driver's instruction permit", a permit issued pursuant to section 302.720;

[(4)] (6) "Commercial driver's license", a license issued by this state to an individual which authorizes the individual to operate a commercial motor vehicle;

[(5)] (7) **"Commercial driver's license downgrade", occurs when:**

(a) **A driver changes the self-certification to interstate, but operates exclusively in transportation or operation excepted from 49 CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2, 391.68, or 398.3;**

(b) **A driver changes the self-certification to intrastate only, if the driver qualifies under the state's physical qualification requirements for intrastate only;**

(c) **A driver changes the self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or**

(d) **The state removes the commercial driver's license privilege from the driver's license;**

(8) "Commercial driver's license information system", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

[(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to transport passengers or property:

(a) If the vehicle has a gross combination weight rating of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand one pounds or more;

(b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds or such lesser rating as determined by federal regulation;

(c) If the vehicle is designed to transport sixteen or more passengers, including the driver;
or

(d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801, et seq.);

[(7)] (10) "Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules I through V of 21 CFR part 1308, as they may be revised from time to time;

[(8)] (11) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

[(9)] (12) "Director", the director of revenue or his authorized representative;

[(10)] (13) "Disqualification", any of the following three actions:

(a) The suspension, revocation, or cancellation of a commercial driver's license;

(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a state, **Canada, or Mexico** as the result of a violation of federal, state, county, municipal, or local law relating to motor vehicle traffic control or violations committed through the operation of motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

[(11)] (14) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

[(12)] (15) "Driver", any person who drives, operates, or is in physical control of a motor vehicle, or who is required to hold a commercial driver's license;

[(16) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license in this state;

[(13)] (17) "Driving under the influence of alcohol", the commission of any one or more of the following acts:

(a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as prescribed by the secretary or such other alcohol concentration as may be later determined by the secretary by regulation;

(b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance;

(c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance;

(d) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more;

[(14)] (18) "Driving under the influence of a controlled substance", the commission of any one or more of the following acts in a commercial or noncommercial motor vehicle:

(a) Driving a commercial or noncommercial motor vehicle while under the influence of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.

802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they may be revised from time to time;

(b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

(c) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance;

[(15)] **(19)** "Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle;

(20) "Endorsement", an authorization on an individual's commercial driver's license permitting the individual to operate certain types of commercial motor vehicles;

[(16)] **(21)** "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when transporting fertilizers as defined in subdivision [(21)] **(27)** of this subsection;

[(17)] **(22)** "Fatality", the death of a person as a result of a motor vehicle accident;

[(18)] **(23)** "Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(24) "Foreign", outside the fifty states of the United States and the District of Columbia;

[(19)] **(25)** "Gross combination weight rating" or "GCWR", the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon;

[(20)] **(26)** "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer as the loaded weight of a single vehicle;

[(21)] **(27)** "Hazardous materials", any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered hazardous materials when transported by a farm vehicle provided all other provisions of this definition are followed;

[(22)] **(28)** "Imminent hazard", the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begins to lessen the risk of that death, illness, injury, or endangerment;

[(23)] **(29)** "Issuance", the initial licensure, license transfers, license renewals, and license upgrades;

(30) "Medical examiner", a person who is licensed, certified, or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic;

(31) "Medical variance", when a driver has received one of the following that allows the driver to be issued a medical certificate:

(a) An exemption letter permitting operation of a commercial motor vehicle under 49 CFR Part 381, Subpart C or 49 CFR Part 391.64;

(b) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 CFR Part 391.49;

[(24)] (32) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;
[(25)] (33) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" in this section;

[(26)] (34) "Out of service", a temporary prohibition against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier;

[(27)] (35) "Out-of-service order", a declaration by [the Federal Highway Administration, or any] an authorized enforcement officer of a federal, state, [Commonwealth of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service **under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;**

[(28)] (36) "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;

[(29)] (37) "Secretary", the Secretary of Transportation of the United States;

[(30)] (38) "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:

(a) Excessive speeding, as defined by the Secretary by regulation;

(b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;

(c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation;

(d) Driving a commercial motor vehicle without obtaining a commercial driver's license in violation of any federal or state or county or municipal ordinance;

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;

(f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance; or

(g) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the secretary by regulation;

[(31)] (39) "State", a state[, territory or possession] of the United States[, the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada];

[(32)] (40) "United States", the fifty states and the District of Columbia.

302.768. COMPLIANCE WITH FEDERAL LAW, CERTIFICATION REQUIRED — APPLICATION REQUIREMENTS, PROCEDURE. — 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal

Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) **Nonexcepted interstate:** Certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) **Excepted interstate:** Certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) **Nonexcepted intrastate:** Certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) **Excepted intrastate:** Certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories defined in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiners certificate or a medical examiners certificate accompanied by a medical variance or waiver. The state shall retain the original or copy of the documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide an updated medical certificate or variance documents to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

5. The director shall post the medical examiners certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiners certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section.

8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled for a period of one year after the director discovers such falsification.

9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of

the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

303.200. APPROVAL OF PLAN FOR APPORTIONMENT OF SUBSTANDARD INSURANCE RISKS. — After consultation with insurance companies authorized to issue automobile liability policies in this state, the director of the department of insurance, financial institutions and professional registration shall approve a reasonable plan or plans for the equitable apportionment among such companies of applicants for such policies and for motor vehicle liability policies who are in good faith entitled to but are unable to procure such policies through ordinary methods. When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. **Any such plan shall contract with an entity or entities to accept and service applicants and policies for any company that does not elect to accept and service applicants and policies. By October 1 of each year any company that elects to accept and service applicants and policies for the next calendar year for any such plan shall so notify the plan. Any company that does not so notify a plan shall be excused from accepting and servicing applicants and policies for the next calendar year for such plan and shall pay a fee to the plan or servicing entity for providing such services. The fee shall be based on the company's market share on the kinds of insurance offered by the plan.** Any applicant for any such policy, any person insured under any such plan, and any insurance company affected, may appeal to the director from any ruling or decision of the manager or committee designated to operate such plan. Any person aggrieved hereunder by any order or act of the director may, within ten days after notice thereof, file a petition in the circuit court of the county of Cole for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree.

304.033. RECREATIONAL OFF-HIGHWAY VEHICLES, OPERATION ON HIGHWAYS PROHIBITED, EXCEPTIONS — OPERATION WITHIN STREAMS AND RIVERS PROHIBITED, EXCEPTIONS — LICENSE REQUIRED FOR OPERATION, EXCEPTION. — **1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010, upon the highways of this state, except as follows:**

- (1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;**
- (2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;**
- (3) Recreational off-highway vehicles operated within three miles of the operator's primary residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway vehicle in a municipality unless such operation is authorized by such municipality as provided for in subdivision (5) of this subsection;**
- (4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;**
- (5) Governing bodies of cities may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;**
- (6) Governing bodies of counties may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.**

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which

a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

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;**

(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.

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; [further, provided, however,]

(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; further provided, however,] . **The commercial zone described in this subdivision shall be extended to also include the stretch of state route 45 from its intersection with Interstate 29 extending northwest to the city limits of any village with more than forty but fewer than fifty inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat;**

(3) The commercial zone of a city of the third classification with more than nine thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city limits along U.S. Highway 61 to the intersection of state route OO in a county of the third classification without a township form of government and with more than seventeen thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants.

4. 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.

[4.] 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.

[5.] 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.

304.289. TIMING OF SIGNALS, MINIMUM INTERVAL TIMES TO BE ESTABLISHED. — The timing of any traffic-control signal shall conform to regulations promulgated by the Department of Transportation. The department of transportation shall establish minimal yellow light change interval times for traffic-control devices. The minimal yellow light change interval time shall be established in accordance with nationally recognized engineering standards set forth in the Manual on Uniform Traffic Control Devices, and any such established time shall not be less than the recognized national standard.

306.127. BOATING SAFETY IDENTIFICATION CARD REQUIRED, WHEN, REQUIREMENTS, FEE — INAPPLICABLE, WHEN — TEMPORARY BOATER SAFETY IDENTIFICATION CARD ISSUED TO NONRESIDENTS, WHEN, RULES, FEE AUTHORIZED, EXPIRATION DATE. — 1. Beginning January 1, 2005, every person born after January 1, 1984, or as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall possess, on the vessel, a boating safety identification card issued by the Missouri state water patrol or its agent which shows that he or she has:

(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Missouri state water patrol. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The Missouri state water patrol shall maintain a list of approved courses; or

(2) Successfully passed an equivalency examination prepared by the Missouri state water patrol and administered by the Missouri state water patrol or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or

(3) A valid master's, mate's, or operator's license issued by the United States Coast Guard.

2. The Missouri state water patrol or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law.

3. The Missouri state water patrol may charge a fee for such card or any replacement card that does not substantially exceed the costs of administering this section. The Missouri state water patrol or its designated agent shall collect such fees. These funds shall be forwarded to general revenue.

4. The provisions of this section shall not apply to any person who:

- (1) Is licensed by the United States Coast Guard to serve as master of a vessel;
 - (2) Operates a vessel only on a private lake or pond that is not classified as waters of the state;
 - (3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;
 - (4) Is participating in an event or regatta approved by the water patrol;
 - (5) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators (NASBLA);
 - (6) Is exempted by rule of the water patrol;
 - (7) Is currently serving in any branch of the United States armed forces, reserves, or Missouri national guard, or any spouse of a person currently in such service; or
 - (8) Has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA).
5. The Missouri state water patrol shall inform other states of the requirements of this section.

6. No individual shall be detained or stopped strictly for the purpose of checking whether the individual possesses a boating safety identification card or a temporary boater education permit.

7. [Beginning January 1, 2006, any nonresident born after January 1, 1984, desiring to operate a rental vessel on the lakes of this state, may obtain a temporary boater education permit by completing and passing a written examination developed by the Missouri state water patrol, provided the person meets the minimum age requirements for operating a vessel in this state. The Missouri state water patrol is authorized to promulgate rules for developing the examination and any requirements necessary for issuance of the temporary boater education permit. The temporary boater education permit shall expire when the nonresident obtains a permanent identification card pursuant to subsection 2 of this section or thirty days after issuance, whichever occurs first. The Missouri state water patrol may charge a fee not to exceed ten dollars for such temporary permit. Upon successful completion of an examination and prior to renting a vessel, the business entity responsible for giving the examination shall collect such fee and forward all collected fees to the Missouri state water patrol on a monthly basis for deposit in the state general revenue fund. Such business entity shall incur no additional liability in accepting the responsibility for administering the examination. This subsection shall terminate on December 31, 2010.] **Any person or company that rents or sells vessels may issue a temporary boating safety identification card to a nonresident of the state to operate a rented vessel or a vessel being considered for sale, for a period of up to seven days, provided that the individual meets the minimum age requirements for operating a vessel in this state. In order to qualify for the temporary boating safety identification card, the applicant shall provide a valid driver's license establishing that the applicant is a nonresident and shall sign an affidavit that he or she has reviewed the Missouri State Highway Patrol Handbook of Missouri Boating Laws and Responsibilities. Any nonresident holding a valid temporary boating safety identification card shall be deemed in compliance with the requirements of this section. The Missouri state highway patrol shall charge a fee of nine dollars for such temporary boating safety identification card. Nonresidents shall not be eligible for more than one temporary boating safety identification card. No person or company may issue a temporary boating safety identification card to a nonresident under the provisions of this subsection unless such person or company is capable of submitting the applicant's temporary boating safety identification card information and payment in an electronic format as prescribed by the Missouri state highway patrol. The business entity issuing a temporary boating safety identification card to a nonresident under the provisions of this subsection shall transmit the applicant's temporary boating safety identification card information electronically to the Missouri state highway patrol, in a manner and format prescribed by the superintendent, using an electronic online**

registration process developed and provided by the Missouri state highway patrol. The electronic online process developed and provided by the Missouri state highway patrol shall allow the applicant to pay the temporary boating safety identification card fee by credit card or debit card. Notwithstanding any provision in section 306.185 to the contrary, all fees collected under the authority of this subsection shall be deposited in the water patrol division fund. The Missouri state highway patrol shall promulgate rules for developing the temporary boating safety identification card and any requirements necessary to the issuance, processing, and payment of the temporary boating safety identification card. The Missouri state highway patrol shall, by rule, develop a boating safety checklist for each applicant seeking a temporary boating safety identification card. The provisions of this subsection shall expire on December 31, 2022.

306.400. LIENS AND ENCUMBRANCES — VALID, PERFECTED, WHEN, HOW, FUTURE ADVANCES — BOATS AND MOTORS SUBJECT TO, WHEN, HOW DETERMINED — REVENUE TO ESTABLISH SECURITY PROCEDURE, ELECTRONIC NOTICES, RULEMAKING AUTHORITY. —

1. As used in sections 306.400 to 306.440, the terms motorboat, vessel, and watercraft shall have the same meanings given them in section 306.010, and the term outboard motor shall include outboard motors governed by section 306.530.

2. Unless excepted by section 306.425, a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft shall not be valid against subsequent transferees or lienholders of the outboard motor, motorboat, vessel or watercraft, who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 306.400 to 306.430.

3. A lien or encumbrance on an outboard motor, motorboat, vessel or watercraft is perfected by the delivery to the director of revenue of a notice of lien in a format as prescribed by the director. Such lien or encumbrance shall be perfected as of the time of its creation if the delivery of the items required in this subsection to the director of revenue is completed within thirty days thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the delivery. A notice of lien shall contain the name and address of the owner of the outboard motor, motorboat, vessel or watercraft and the secured party, a description of the outboard motor, motorboat, vessel or watercraft motor, including any identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Provided the lienholder submits complete and legible documents, the director of revenue shall mail confirmation or electronically confirm receipt of each notice of lien to the lienholder as soon as possible, but no later than fifteen business days after the filing of the notice of lien.

4. Notwithstanding the provisions of section 306.410, on a refinance **by a different lender** of a **prior** loan secured by an outboard motor, motorboat, vessel or watercraft, a lien is perfected by the delivery to the director of revenue of a notice of lien completed by the refinancing lender in a format prescribed by the director of revenue.

5. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" in the second lienholder's portion of the notice of lien. To secure future advances when an existing lien on an outboard motor, motorboat, vessel or watercraft does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows. Proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of

lien reflects such lien for future advances, is receipted for by the department of revenue, and returned to the lienholder.

6. Whether an outboard motor, motorboat, vessel, or watercraft is subject to a lien or encumbrance shall be determined by the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrances attached that the outboard motor, motorboat, vessel, or watercraft would be kept in this state and it is brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state shall be determined by the laws of this state;

(2) If the lien or encumbrance was perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, his or her lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by the jurisdiction, the lien or encumbrance continues perfected in this state for three months after the first certificate of title of the outboard motor, motorboat, vessel, or watercraft is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period, in which case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, it may be perfected in this state, in which case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection in the same manner as provided in subsection 3 of this section.

7. The director of revenue shall by rules and regulations establish a security procedure to verify that an electronic notice or lien or notice of satisfaction of a lien on an outboard motor, motorboat, vessel or watercraft given pursuant to sections 306.400 to 306.440 is that of the lienholder, to verify that an electronic notice of confirmation of ownership and perfection of a lien given pursuant to section 306.410 is that of the director of revenue and to detect error in the transmission or the content of any such notice. Such a security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself constitute a security procedure.

307.365. INSPECTION STATION PERMIT NOT TRANSFERABLE — APPROVAL TO BE ON OFFICIAL FORM — REPORT TO SUPERINTENDENT — DEFECTS, CORRECTION OF, WHO MAY MAKE — INSPECTION FEE — STICKER FEE — INSPECTION FUND, CREATED, PURPOSE — DISCONTINUATION OF STATION, PROCEDURES. — 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station pursuant to the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake testing. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in such person's possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by the superintendent for that purpose as the superintendent considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them or shall have them corrected at any place the owner chooses within twenty days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that the corrections need not be made at the inspection station.

5. A fee, not to exceed twelve dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed ten dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous twenty consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, the owner shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that the corrections need not be made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees

collected shall be deposited in the state treasury with one dollar of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund.

7. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol.

8. Notwithstanding the provisions of section 307.390 to the contrary, a violation of this section shall be a class C misdemeanor.

9. The owner or operator of any inspection station shall maintain liability insurance at all times to cover possible damage to vehicles during the inspection process.

387.040. TRANSPORTATION PROHIBITED UNTIL SCHEDULE OF RATES AND FARES IS FILED AND PUBLISHED — EXCEPTION, WHEN. — 1. No motor carrier subject to the provisions of this chapter shall engage or participate in the transportation of passengers [or household goods], between points within this state, until its schedules of rates, fares and charges shall have been filed **with the state Highways and Transportation Commission** and published in accordance with the provisions of this chapter. Any motor carrier, which shall undertake to perform any service or furnish any product or commodity unless or until the rates, tolls, fares, charges, classifications and rules and regulations relating thereto, applicable to such service, product or commodity, have been filed with the Highways and Transportation Commission and published in accordance with the provisions of this chapter, shall be subject to forfeiture to the state pursuant to the provisions of sections 390.156 to 390.176.

2. [Notwithstanding subsection 1 of this section, a motor carrier shall not be required to file its schedules of rates, fares, and charges for shipments of household goods that are transported wholly or exclusively within a commercial zone as defined in 390.020 or within a commercial zone established by the Highways and Transportation Commission pursuant to the provisions of subdivision (4) of section 390.041.] **Notwithstanding any provision of this chapter or chapter 390 to the contrary, a motor carrier transporting household goods in intrastate commerce shall not be required to file its schedule of rates, fares, and charges with the state Highways and Transportation Commission. In lieu of filing its schedules of rates, fares, charges, rules, or tolls with the state Highways and Transportation Commission, a motor carrier transporting household goods in intrastate commerce shall maintain and publish its schedules of rates, fares, charges, rules, and tolls in every station or office as described in subsection 3 of section 387.050 and such rates shall be available for inspection by the state Highways and Transportation Commission, shippers, and the public upon request. Any motor carrier transporting household goods in intrastate commerce that**

fails to comply with the provisions of this subsection shall be subject to forfeiture to the state pursuant to the provisions of sections 390.156 to 390.176.

387.050. RATES AND FARES, FILING AND PUBLICATION. — 1. Every motor carrier shall file with the [division of motor carrier and railroad safety] **state Highways and Transportation Commission** and shall print and keep open to public inspection schedules showing the rates, fares and charges for the transportation of passengers and household goods within this state between each point upon its route and all other points thereon and between each point upon its route and all points upon every route leased, operated or controlled by it and between each point on its route or upon any route leased, operated or controlled by it and all points upon the route of any other motor carrier, whenever a through route and joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the several carriers in such through route shall file, print and keep open to public inspection, as aforesaid, the separately established rates, fares and charges applied to the through transportation. **Beginning August 28, 2012, motor carriers shall not be required to file their schedules showing the rates, fares, rules, and charges for the transportation of household goods within this state but shall print and keep open for public inspection such schedules in accordance with this section and section 387.040.**

2. The schedules printed as aforesaid shall plainly state the places between which household goods and passengers will be carried, and shall also contain the classification of passengers or household goods in force, and shall also state separately all terminal charges, storage charges, icing charges and all other charges which the [division] **state Highways and Transportation Commission** may require to be stated, all privileges or facilities granted or allowed, and any rules or regulations which may in any way change, affect or determine any part of the aggregate of such aforesaid rates, fares and charges, or the value of the service rendered to the passenger, shipper or consignee.

3. Such schedules shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and for convenient inspection by the public in every station or office of such carrier where passengers or household goods are respectively received for transportation, when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets for transportation or tickets covering bills of lading or receipts for household goods are issued. All or any of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person.

4. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person and that the agent will assist any such person to determine from such schedules any transportation rates or fares or rules or regulations which are in force shall be kept posted by the carrier in two public and conspicuous places in every such station or office.

5. The form of every such schedule shall be prescribed by the [division] **state Highways and Transportation Commission**.

6. The [division] **state Highways and Transportation Commission** shall have power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of such schedules as may be found expedient, and to modify the requirements of this section in respect to publishing, posting and filing of schedules either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

387.080. CONCURRENCE IN JOINT TARIFFS — CONTRACTS, AGREEMENTS OR ARRANGEMENTS BETWEEN ANY CARRIERS — PROHIBITION FOR HOUSEHOLD GOODS. — 1. The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the [division of motor carrier and railroad safety] **state Highways and Transportation Commission** such evidence of concurrence therein or acceptance thereof as may be required or approved by the

[division] **state Highways and Transportation Commission**; and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the same also to file copies of the tariffs in which they are named as parties. **The provisions of this subsection shall not apply to motor carriers of household goods. Carriers of household goods participating in through routes or interline service shall publish joint tariffs and evidence of concurrence or acceptance thereof or individual tariffs for each participating carrier in accordance with sections 387.040 and 387.050.**

2. Every motor carrier shall file with the [division] **state Highways and Transportation Commission** sworn copies of every contract, agreement or arrangement with any other motor carrier or motor carriers relating in any way to the transportation of passengers [or property].

3. **Motor carriers of household goods are prohibited from participation in any joint tariff pursuant to the provisions of this chapter, except that this subsection shall not prohibit joint tariffs relating to joint rates for household goods transportation over any through routes or by interline service performed by two or more separate motor carriers.**

387.110. PREFERENCE TO LOCALITY OR PARTICULAR TRAFFIC, PROHIBITED. — [1.] No motor carrier shall make or give any undue or unreasonable preference or advantage to any person or corporation or to any locality or to any particular description of traffic in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

[2. Notwithstanding any other provision of law to the contrary, no common carrier of household goods shall use any schedule of rates or charges, or both, for the transportation of household goods within this state which divides this state into territorial rate areas. Any schedule of rates or charges, or both, which divides, or attempts to divide, this state into territorial rate areas is unjust, unreasonable, and invalid.]

387.137. HOUSEHOLD GOODS TRANSPORTATION IN INTRASTATE COMMERCE, COMMISSION TO ESTABLISH CONSUMER PROTECTION REQUIREMENTS. — The state Highways and Transportation Commission shall establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and establish a system for filing, logging, and responding to consumer complaints.

387.139. MOVEMENT OF HOUSEHOLD GOODS IN INTRASTATE COMMERCE, COMPLAINTS — INFORMATION FILE TO BE KEPT, CONTENTS, FORM — RULEMAKING AUTHORITY. — 1. The division of motor carrier services shall keep an information file about each complaint filed with it regarding the movement of household goods in intrastate commerce. The division of motor carrier service's information file shall be kept current and contain a record for each complaint of:

- (1) All persons contacted in relation to the complaint;
- (2) A summary of findings in response to the complaint;
- (3) An explanation of the reason for a complaint that is dismissed; and
- (4) Any other relevant information.

2. If a written complaint is filed with the division that is within the division's jurisdiction, the division, at least as frequently as quarterly and until final disposition of the complaint, shall notify the complainant of the status of the complaint unless the notice would jeopardize an ongoing investigation.

3. The state Highways and Transportation Commission shall adopt by rule a form to standardize information concerning complaints made to the division of motor carrier services regarding the transportation of household goods. The commission shall prescribe by rule information to be provided to a person when the person files a complaint with the division of motor carrier services.

4. The state Highways and Transportation Commission shall promulgate rules and regulations for the implementation and administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

387.207. AUTHORITY OF DIVISION TO FIX RATES, TOLLS, CHARGES AND SCHEDULES. —

1. All rates, tolls, charges, schedules and joint rates fixed by the [division] **state Highways and Transportation Commission** with reference to the transportation of passengers [or household goods] by motor carrier shall be in force and shall be prima facie lawful, and all regulations, practices and services prescribed by the [division] **commission** shall be in force and shall be prima facie lawful and reasonable until found otherwise in a suit brought for that purpose pursuant to the provisions of this chapter.

2. All rates, tolls, charges, schedules, and joint rates published in accordance with subsection 3 of section 387.050 with reference to the transportation of household goods by motor carrier shall be in force and shall be prima facie lawful, and all regulations, practices and services prescribed by the state Highways and Transportation Commission shall be in force and shall be prima facie lawful and reasonable until found otherwise in a suit brought for that purpose pursuant to the provisions of this chapter.

387.355. RATE ORDERS VACATED FOR TRANSPORTATION OF HOUSEHOLD GOODS IN INTRASTATE COMMERCE, WHEN, LIMITATION. — On August 28, 2012, all rate orders issued by the state Highways and Transportation Commission or its predecessors affecting the transportation of household goods by common carriers in intrastate commerce, pursuant to the authority of any of the provisions in this chapter or chapter 390, shall be vacated and set aside, but only to the extent that those rate orders require or prescribe any minimum rates, maximum rates, or minimum-and-maximum rates for the transportation of household goods by common carriers in intrastate commerce. This section shall not vacate or set aside any other requirements or provisions contained in those rate orders.

390.051. CERTIFICATE REQUIRED FOR COMMON CARRIERS OF HOUSEHOLD GOODS OR PASSENGERS TO DO BUSINESS — APPLICATION, CONTENT — ISSUED WHEN. — 1. Except as otherwise provided in section 390.030, no person shall engage in the business of a common carrier of household goods or passengers in intrastate commerce on any public highway in this state unless there is in force with respect to such carrier a certificate issued by the [division] **state Highways and Transportation Commission** authorizing such operations.

2. Application for a certificate shall be made in writing to the [division] **state Highways and Transportation Commission** and shall contain such information as the [division] **state Highways and Transportation Commission** shall, by rule, require and shall include:

(1) Full information concerning the ownership, financial [condition] **status** of applicant through the submission of documentation describing assets, liabilities, and capital, equipment to be used and a statement listing the physical equipment of applicant and the reasonable value thereof;

(2) The complete route or routes over which the applicant desires to operate, or territory to be served; except that the state Highways and Transportation Commission shall not restrict any certificate or permit authorizing the transportation of household goods or passengers with reference to any route or routes; except that the state Highways and Transportation Commission shall restrict the applicant's registration against the

transportation of any hazardous material as designated in Title 49, Code of Federal Regulations, if the state Highways and Transportation Commission finds that the applicant has not shown it is qualified to safely transport that hazardous material in compliance with all registration, liability insurance, and safety requirements applicable to the transportation of that hazardous material pursuant to Title 49, Code of Federal Regulations;

(3) The proposed rates, schedule or schedules, or timetable of the applicant.

3. [Except as provided for in subsection 4 of this section, if the division] **If the state Highways and Transportation Commission** finds that an applicant seeking to transport [general and specialized commodities in truckload lots, agricultural commodities in bulk in dump trucks] **household goods** or passengers [in charter service] is fit, willing and able to properly perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations of the [division] **state Highways and Transportation Commission** established thereunder, a certificate therefor shall be issued.

4. [If the division finds that an applicant seeking to transport:

(1) General and specialized commodities in less-than-truckload lots;

(2) Commodities in bulk in dump trucks, other than agricultural commodities in bulk in dump trucks, as defined in section 390.020;

(3) Mobile homes;

(4) Household goods;

(5) Passengers other than in charter service;

(6) Gasoline, fuel oil or liquefied petroleum gas;

(7) Boats; is fit, willing and able to properly perform the service proposed, and to conform to the provisions of this chapter and the requirement, rules and regulations of the division, and that the service proposed will serve a useful present or future public purpose, a certificate therefor specifying the service authorized shall be issued, unless the division finds on the basis of evidence presented by persons objecting to the issuance of a certificate that the transportation to be authorized by the certificate will be inconsistent with the public convenience and necessity.

5. In making findings under subsection 4 of this section, the division shall consider the testimony of the applicant, the proposed users of the service contemplated by the applicant, and any other relevant testimony or evidence, and the division shall consider, and to the extent applicable, make findings on at least the following:

(1) The transportation policy of section 390.011; and

(2) The criteria set forth in this subsection. In cases where persons object to the issuance of a certificate, the diversion of revenue or traffic from existing carriers shall be considered.

6.] The [division] **state Highways and Transportation Commission** shall streamline and simplify to the maximum extent practicable the process for issuance of certificates to which the provisions of this section apply. **The state Highways and Transportation Commission is authorized to enter into interagency agreements with any entity created and operating under the provisions of section 67.1800 to 67.1822 to deal with any public safety issues that may arise as a result of the provisions of this section.**

[7.] 5. The [division] **state Highways and Transportation Commission** shall dismiss on its motion any application for substantially the same common [or contract] authority that has been previously denied within six months of filing the subsequent application.

390.054. MOVERS OF HOUSEHOLD GOODS IN INTRASTATE COMMERCE, PROOF OF WORKER'S COMPENSATION INSURANCE COVERAGE REQUIRED. — Beginning August 28, 2012, and continuing thereafter, no certificate or permit to transport household goods in intrastate commerce shall be issued or renewed unless the applicant demonstrates that the applicant has workers' compensation insurance coverage that complies with chapter 287, for all employees. If any household goods carrier subject to the provisions of this chapter or chapter 387 is found by the division of workers' compensation to be out of compliance

with chapter 287, the division shall report such fact to the state Highways and Transportation Commission. The commission shall suspend the household goods carrier's certificate or permit pursuant to section 390.106 until such time as the carrier demonstrates that it has procured workers' compensation insurance coverage that complies with chapter 287.

390.061. CONTRACT CARRIERS OF HOUSEHOLD GOODS OR PASSENGERS TO HAVE PERMIT — APPLICATION, CONTENTS — ISSUANCE — CONTRACT RATES — INTERAGENCY AGREEMENTS. — 1. Except as otherwise provided in section 390.030, no person shall engage in the business of a contract carrier of household goods or passengers in intrastate commerce on any public highway in this state unless there is in force with respect to such carrier a permit issued by the [division of motor carrier and railroad safety] **state Highways and Transportation Commission** authorizing such operations.

2. Applications for such permits shall be made to the [division] **state Highways and Transportation Commission** in writing and shall contain such information as the [division] **state Highways and Transportation Commission** shall, by rule, require and shall include:

(1) Full information concerning the ownership, financial [condition] **status of applicant through the submission of documentation describing assets, liabilities, and capital**, equipment to be used and a statement listing the physical equipment of applicant and the reasonable value thereof;

(2) The complete route or routes over which the applicant desires to operate, or territory to be served; **except that the state Highways and Transportation Commission shall not restrict any certificate or permit authorizing the transportation of household goods or passengers with reference to any route or routes; except that the state Highways and Transportation Commission shall restrict the applicant's registration against the transportation of any hazardous material as designated in Title 49, Code of Federal Regulations, if the state Highways and Transportation Commission finds that the applicant has not shown it is qualified to safely transport that hazardous material in compliance with all registration, liability insurance, and safety requirements applicable to the transportation of that hazardous material pursuant to Title 49, Code of Federal Regulations.**

3. If the [division] **state Highways and Transportation Commission** shall find that the applicant is seeking to transport [general and specialized commodities in truckload lots, agricultural commodities in bulk,] **household goods** or passengers [in charter service], and is fit, willing and able to properly perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations of the [division] **state Highways and Transportation Commission** thereunder, a permit therefor shall be issued.

4. [If the division finds that an applicant seeking to transport commodities or passengers as described in subsection 4 of section 390.051 is fit, willing and able to properly perform the service proposed, and to conform to the provisions of this chapter and the requirements, rules and regulations of the division, and that the service proposed will serve a useful present or future purpose, a permit therefor specifying the service authorized shall be issued, unless the division finds on the basis of evidence presented by persons objecting to the issuance of a permit that the transportation to be authorized by the permit will be inconsistent with the public convenience and necessity.

5.] Any permit issued under this section shall specify the service to be rendered, the contracting parties, and the points or area to be served.

[6.] **5.** The [division] **state Highways and Transportation Commission** will not have jurisdiction over contract rates. A copy of the original contract must be filed with the [division] **state Highways and Transportation Commission** prior to issuance of a permit. In the event the applicant chooses not to disclose contract rates in the application, the contract shall contain in lieu of rates a specific provision which incorporates by reference a schedule of rates, in

writing, to be effective between carrier and shipper. Current contracts and rate schedules must be maintained by the carrier and contracting shippers. A contract permit, authorizing the transportation of [commodities] **household goods** or passengers [other than as described in subsection 4 of section 390.051], may be amended to include additional contracting parties by the filing of said contracts with the [division] **state Highways and Transportation Commission** and acknowledgment by the [division] **state Highways and Transportation Commission**.

6. The state Highways and Transportation Commission is authorized to enter into interagency agreements with any entity created and operating under the provisions of section 67.1800 to 67.1822 to deal with any public safety issues that may arise as a result of the provisions of this section.

390.063. CERTIFICATE REQUIRED FOR MOTOR CARRIERS TRANSPORTING ELDERLY, HANDICAPPED AND CHILDREN IN HEAD START FOR RURAL AREAS, APPLICATION, CONTENT — RATES NOT TO BE REGULATED BY DIVISION — LICENSE NOT REQUIRED, WHEN — EQUIPMENT REQUIREMENTS.— 1. As used in this chapter, the following terms mean:

- (1) "Elderly", any person who is sixty years of age or older;
- (2) "Handicapped", any person having a physical or mental condition, either permanent or temporary, which would substantially impair ability to operate or utilize available transportation; and
- (3) "Urbanized area", an area so designated by the United States Bureau of Census as provided under section 12(c)(11) of the Urban Mass Transportation Act of 1964, as amended, and which has a population of more than fifty thousand persons.

2. Notwithstanding any provisions of this chapter to the contrary, the division shall issue a certificate or permit in accordance with the provisions of this section to a not-for-profit corporation seeking to transport by motor vehicle, as a common carrier or contract carrier in intrastate commerce, exclusively passengers other than in charter service who are:

- (1) Elderly;
- (2) Handicapped;
- (3) Preschool disadvantaged children transported for the purpose of participating in a federal Head Start program; or
- (4) Transported in areas other than urbanized areas as defined in this section, for which the motor carrier is authorized to be subsidized or reimbursed under section 18 of the Urban Mass Transportation Act of 1964, as amended, section 1614 of Title 49, United States Code, with federal funds administered by the Missouri transportation department, except that priority shall be given to serving passengers who are elderly, handicapped or preschool disadvantaged children under the certificate or permit issued under this section.

3. A not-for-profit corporation seeking a certificate or permit under this section shall make a written application to the division, in the form and containing the information which the division shall require by rule. The application shall include at least a complete description of the routes or territory to be served, and a list of the equipment to be used by the applicant in providing the proposed service. If the division finds that an applicant seeking to transport passengers as described in subsection 2 of this section is willing and able to properly perform the service proposed and to conform to the applicable provisions of this chapter, and the applicable rules and orders of the division, a certificate or permit authorizing such transportation shall be issued. The division may, by rule, make reasonable requirements to prevent the unauthorized transportation of passengers other than as described in subsection 2 of this section, by motor carriers to whom a certificate or permit is issued under this section.

4. The division shall not have jurisdiction over the rates charged by motor carriers for the transportation of passengers as described in subsection 2 of this section and provided under the authority of a certificate or permit issued under this section. Such motor carriers shall not be

required to file with the division or publish tariff schedules setting forth their rates and charges for such transportation.

5. The provisions of section 390.136 shall not apply to motor vehicles exclusively used to transport passengers as described in subsection 2 of this section under the authority of a certificate or permit issued under this section.

[6. Notwithstanding any provisions of subsection 3 of section 390.030 to the contrary, it is unlawful for any person to operate any motor vehicle having a capacity of more than five passengers, exclusive of the driver, in intrastate commerce or operate any motor vehicle designed to transport more than fifteen passengers, including the driver, in interstate commerce, unless the vehicle is equipped and operated as required by parts 390 through 397, Title 49, Code of Federal Regulations, as those regulations have been and may periodically be amended. Those regulations are hereby made applicable to all passenger-carrying motor vehicles having a capacity of more than five passengers, exclusive of the driver, when operated in intrastate commerce, and to all motor vehicles designed to transport more than fifteen passengers, including the driver, when operated in interstate commerce, and the division shall have power and authority to enforce those regulations wholly within terminals, as they apply to those motor vehicles and drivers.]

390.116. THROUGH ROUTES AND JOINT RATES ESTABLISHED BY COMMON CARRIERS OF HOUSEHOLD GOODS, WHEN. — 1. Common carriers of [property] **household goods** may establish reasonable through routes **or interline service** and joint rates, charges and classifications with other such carriers or with common carriers by railroad or express; and common carriers of passengers may establish reasonable through routes and joint rates, fares or charges with other such carriers or with common carriers by railroad. In case of such joint rates, fares, charges or classifications, it shall be the duty of the **participating** carriers[, parties thereto,] to establish just and reasonable regulations and practices in connection therewith, and just, reasonable and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such participating carriers **and shall not result in any rate, fare, charge, classification, regulation, or practice that is unjust or unreasonable to the shipper or receiver of the household goods.** Carriers of household goods participating in through routes or interline service shall publish joint tariffs and evidence of concurrence or acceptance thereof, in accordance with section 387.080, or individual tariffs for each participating carrier, which shall set forth the joint or individual rates, fares, charges, classifications, regulations, practices, and division of rates applicable to such through routes or interline service, all in accordance with the applicable provisions in chapter 387.

2. The [division] **state Highways and Transportation Commission** may, whenever deemed by it to be necessary or desirable in the public interest, after hearing, upon complaint or upon its own motion, order the establishment of just and reasonable through routes and joint rates, fares, charges, regulations or practices, applicable to the transportation of passengers [or property] by common carriers.

390.201. ENFORCEMENT OF FEDERAL REGULATIONS, AUTHORITY TO ENFORCE. — Subject to any exceptions which are applicable under section 307.400 [or subsection 6 of section 390.063], the officers and commercial motor vehicle inspectors of the state highway patrol, the enforcement personnel of the division of motor carrier and railroad safety, and other authorized peace officers of this state and any civil subdivision of this state, may enforce any of the provisions of Parts 350 through 399 of Title 49, Code of Federal Regulations, as those regulations have been and may periodically be amended, as they apply to motor vehicles and drivers operating in interstate or intrastate commerce within this state; except that the enforcement personnel of the division of motor carrier and railroad safety shall be authorized to

enforce those regulations wholly within the terminals of motor carriers and private carriers by motor vehicle.

390.280. CERTIFICATES ISSUED PRIOR TO JANUARY 1, 1995, VOID, WHEN — CERTIFICATE OWNERS QUALIFIED AS REGISTERED PROPERTY CARRIERS, WHEN — HAZARDOUS MATERIALS, TRANSPORTATION OF, EFFECT OF LAW UPON — GEOGRAPHIC RESTRICTION VOID, WHEN. — 1. Certificates or permits, or both, which were issued before January 1, 1995, and which authorized a person to transport any property in intrastate commerce by motor vehicle as a common carrier or contract carrier, or both, are void, except that to the extent such certificates or permits, or portions thereof, authorized a person to transport household goods over irregular routes or passengers in intrastate commerce, or any property or passengers in interstate commerce, those certificates or permits, or portions thereof, are exempt from the provisions of this subsection.

2. Persons who owned certificates or permits, or both, that were in active status with the division on December 31, 1994, and persons to whom the division issued certificates and permits after December 31, 1994, pursuant to emergency rules adopted by the division, are deemed to be qualified as registered property carriers, unless the person's certificate or permit has been suspended, revoked or transferred to another person as provided by law. A person deemed qualified pursuant to this subsection is not required to file an application pursuant to section 390.290 to continue providing intrastate transportation as a registered property carrier, but rather, upon such person's compliance with the licensing and insurance requirements of the division the person is deemed to have a property carrier registration in force as required pursuant to section 390.270, authorizing the person to transport property except household goods in intrastate commerce on the public highways, unless the person's property carrier registration is suspended, revoked or transferred to another person as provided by law. Within a reasonable time after August 28, 1996, the division shall issue property carrier registrations to all persons who are deemed to be qualified as registered property carriers and deemed to have property carrier registrations in force pursuant to this subsection.

3. Notwithstanding any provision of this section to the contrary, this section shall not be construed as authorizing any person to transport any hazardous material as designated in Title 49, Code of Federal Regulations, except hazardous materials which that person was expressly authorized to transport in intrastate commerce within this state on August 28, 1996. A person may file an application for property carrier registration pursuant to section 390.290 to transport additional hazardous materials. Nothing in this section shall be construed to conflict with chapter 260, or of relieving an applicant of any duty to obtain a license pursuant to chapter 260.

4. Notwithstanding any provision of the law to the contrary, any geographic restriction or provision limiting the carrier's scope of authority to particular routes within this state contained in a certificate or permit, or both, authorizing the transportation of household goods in intrastate commerce, which was issued prior to August 28, 2012, and any similar provision contained in a carrier's tariff schedule filed prior to such date, shall be deemed void. In lieu of the geographic restrictions expressed in such certificates, permits, or tariff schedules, a motor carrier shall be authorized to provide intrastate transportation of household goods between all points and destinations within the state until such time as the certificates, permits, and tariff schedules are reissued or amended to reflect the motor carrier's statewide operating authority. Nothing contained in the provisions of sections 390.051 to 390.116 shall be construed to exempt or to alter the obligation of compliance by carriers transporting passengers point-to-point within the jurisdiction described in 67.1802 from the provisions of sections 67.1800 to 67.1822.

544.046. COMPACT—ENTERED INTO.— The Nonresident Violator Compact, hereinafter called "the compact," is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I

- (a) The party jurisdictions find that:
- (1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:
 - (i) Must post collateral or bond to secure appearance for trial at a later date; or
 - (ii) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or
 - (iii) Is taken directly to court for his trial to be held.
 - (2) In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.
 - (3) The purpose of the practices described in paragraphs (1) and (2) above is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation.
 - (4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.
 - (5) The practice described in paragraph (1) above causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.
 - (6) The deposit of a driver's license as a bail bond, as described in paragraph (2) above, is viewed with disfavor.
 - (7) The practices described herein consume an undue amount of law enforcement time.
- (b) It is the policy of the party jurisdictions to:
- (1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.
 - (2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.
 - (3) Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.
 - (4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.
- (c) The purpose of this compact is to:
- (1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly manner.
 - (2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

Article II

- (a) In the Nonresident Violator Compact, the following words have the meaning indicated, unless the context requires otherwise.
- (b)(1) "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.
 - (2) "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.
 - (3) "Court" means a court of law or traffic tribunal.
 - (4) "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.
-

(5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

(6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

(10) "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

(11) "Terms of the citation" means those options expressly stated upon the citation.

Article III

(a) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph (b) of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's signed, personal recognizance that he or she will comply with the terms of the citation.

(b) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.

(c) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction.

(d) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content as contained in the Compact Manual.

(e) The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

(f) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued **unless the motorist was operating a Commercial Motor Vehicle (CMV) or was a Commercial Driver License (CDL) holder at the time of the offense.**

(g) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

Article IV

(a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards will be accorded.

(b) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

Article V

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license

agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

Article VI

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board.

(b) Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

(c) The board shall elect annually, from its membership, a chairman and a vice chairman.

(d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize, and dispose of the same.

(f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact.

All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual.

Article VII

(a) This compact shall become effective when it has been adopted by at least two jurisdictions.

(b)(1) Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

(2) The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

(i) A citation of the authority by which the jurisdiction is empowered to become a party to this compact.

(ii) Agreement to comply with the terms and provisions of the compact.

(iii) That compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.

(3) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than 60 days after notice has been given by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

(c) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until 90 days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

Article VIII

The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

Article IX

(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

(b) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective 30 days after the date of the last endorsement.

(c) Failure of a party jurisdiction to respond to the compact chairman within 120 days after receipt of the proposed amendment shall constitute endorsement.

Article X

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government, agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

Article XI

This compact shall be known as the Nonresident Violator Compact.

643.320. CRITERIA FOR OPERATION OF INSPECTION STATIONS, ESTABLISHED — APPLICATION, FORM, FEE — COMMISSION TO INSPECT — SUSPENSION AND REVOCATION OF LICENSE, PROCEDURE — REQUIRED REPORTS — ALTERNATIVE ADMINISTRATIVE ENFORCEMENT MECHANISMS — SIGN, REQUIREMENTS, FURNISHED BY DEPARTMENT, COST. — 1. The commission shall prescribe the standards and equipment necessary for an official emissions inspection station and the qualifications for persons who conduct the inspections, and no applicant for certificate of authorization to conduct emissions inspections may be approved to operate an official emissions inspection station until the applicant meets the standards and has the required equipment and qualified inspectors as prescribed by the commission. **An official emissions inspection station shall maintain liability insurance at all times to cover possible damage to vehicles during the inspection process as a condition of operating an official emissions inspection station.** The commission shall establish standards and procedures to be followed in the making of inspections required by sections 643.300 to 643.355 and shall prescribe rules for the operation of emissions inspection stations.

2. The application for a certificate of authorization to operate as an official emissions inspection station shall be made to the commission on a form furnished by the commission. The application shall be accompanied by a fee established by the commission by rule, but in no case shall the fee exceed one hundred dollars. The certificate of authorization shall be renewed annually on the date of issue. All fees shall be payable to the director of revenue and shall be deposited by the director of revenue in the state treasury to the credit of the Missouri air emission reduction fund established under section 643.350.

3. The commission or its designee shall cause unannounced inspections to be made of the operation of each emissions inspection station at least once during each calendar year. The inspection may include submitting a known high emission vehicle for inspection without prior disclosure to the inspection station. At any time the commission or its designee shall have reason to believe that any person has violated any provisions of the provisions of sections 643.300 to 643.355 or the rules promulgated thereunder, the commission or its designee shall refuse to issue or shall revoke or suspend any certificate of authority under this section. The suspension or

revocation of a certificate of authority shall be in writing to the operator, inspector, or the person in charge of the emissions inspection station. Before suspending or revoking the certificate of authority to conduct emissions inspections, the commission or its designee shall serve notice in writing by certified mail or by personal service to the inspection station at the operator's address of record giving the permittee the opportunity to appear in the office of the commission on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the inspection station's certificate of authority should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the commission or its designee to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the commission or its designee. If the operator, owner, or inspector does not appear on the stated day after receipt of notice, it shall be presumed that such party admits the allegations of fact contained in the hearing notification letter. The decision of the commission or its designee may in such case be based upon the written reports submitted by the commission's officers. The order of the commission, specifying his findings of fact and conclusions of law, shall be considered final immediately after receipt of notice thereof by the inspection station.

4. The department may require emissions inspection stations to furnish reports, upon forms furnished by the department for that purpose, that the department considers necessary for the administration of sections 643.300 to 643.355.

5. The commission may impose alternative administrative enforcement mechanisms in lieu of suspending or revoking a certificate of authority. Such alternative administrative enforcement mechanisms may include, but not be limited to, requiring inspectors to successfully complete a commission-approved retraining program. The commission also may require any individual who has his or her certificate of authority suspended to undergo remedial retraining as a condition of removing such suspension.

6. The commission shall design and furnish each official emissions inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official emissions inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each official emissions inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

SECTION B. EMERGENCY CLAUSE. — Because of the need to ensure that out-of-state residents are knowledgeable in the safe operation of vessels, the repeal and reenactment of section 306.127 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 306.127 of this act shall be in full force and effect upon its passage and approval.

SECTION C. CONTINGENT EFFECTIVE DATE. — The repeal and reenactment of section 302.700 and the enactment of section 302.768 of this act shall become effective on the date the director of the department of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768, or on May 1, 2013, whichever occurs first. If the director of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768 prior to May 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

Approved July 10, 2012

HB 1424 [HB 1424]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes the State Highway Patrol to sell surplus watercraft, watercraft motors, and trailers as well as vehicles

AN ACT to repeal sections 43.260 and 43.265, RSMo, and to enact in lieu thereof two new sections relating to the state highway patrol.

SECTION

- A. Enacting clause.
- 43.260. Sale of patrol's surplus motor vehicles and watercraft — preferences to political subdivisions.
- 43.265. Motor vehicle, aircraft, and watercraft revolving fund, purpose — exempt from transfer to general revenue.

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

SECTION A. ENACTING CLAUSE. — Sections 43.260 and 43.265, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 43.260 and 43.265, to read as follows:

43.260. SALE OF PATROL'S SURPLUS MOTOR VEHICLES AND WATERCRAFT — PREFERENCES TO POLITICAL SUBDIVISIONS. — Notwithstanding other provisions of law to the contrary, the Missouri state highway patrol is hereby authorized to sell surplus highway patrol motor vehicles, **watercraft, watercraft motors, and trailers**. Sales to municipal, county, political subdivisions or state governmental agencies shall be given preference over sales to the general public. Vehicles, **watercraft, watercraft motors, and trailers** may be offered for sale only after approval is given in writing by the commissioner of administration and an evaluation is made of each [vehicle] **asset** and a price determined by the commissioner of administration. The highway patrol shall accept not less than the amount authorized by the commissioner of administration for the sale of vehicles, **watercraft, watercraft motors, and trailers**.

43.265. MOTOR VEHICLE, AIRCRAFT, AND WATERCRAFT REVOLVING FUND, PURPOSE — EXEMPT FROM TRANSFER TO GENERAL REVENUE. — There is hereby created in the state treasury the "Highway Patrol's Motor Vehicle [and] , Aircraft, **and Watercraft** Revolving Fund", which shall be administered by the superintendent of the highway patrol. All funds received by the highway patrol from:

- (1) Any source for purchase of highway patrol motor vehicles, **watercraft, watercraft motors, and trailers**;
- (2) Any source for reimbursement of costs associated with the official use of highway patrol vehicles;
- (3) Any source for restitution for damage to or loss of a highway patrol vehicle or aircraft;
- (4) Any other source for the purchase of highway patrol aircraft or aircraft parts; and
- (5) Government agencies for the reimbursement of costs associated with aircraft flights flown on their behalf by the highway patrol; shall be credited to the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund subject to appropriation and as provided by law and the constitution of this state at the request of the superintendent of the highway patrol. The balances from this fund shall be used for the purchase of highway patrol motor vehicles, **highway patrol watercraft, watercraft motors, and trailers**, highway patrol aircraft or aircraft parts and operational costs. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

Approved July 6, 2012

HB 1460 [SCS HB 1460]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Extends the expiration date of the Statewide Court Automation Fund to September 1, 2018, and requires the Court Automation Committee to complete its duties by September 1, 2020

AN ACT to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to the statewide court automation fund, with existing penalty provisions.

SECTION

A. Enacting clause.

476.055. Statewide court automation fund created, administration, committee, members — powers, duties, limitation — unauthorized release of information, penalty — report, committee, costs — expiration date.

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

SECTION A. ENACTING CLAUSE. — Section 476.055, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 476.055, to read as follows:

476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT, COMMITTEE, COSTS — EXPIRATION DATE. — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, [2013] **2018**, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall

be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class D felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with the joint legislative committee on court automation. Such committee shall consist of the following:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee;
- (4) The chair of the senate judiciary committee;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

9. Section 488.027 shall expire on September 1, [2013] **2018**. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, [2015] **2020**.

10. This section shall expire on September 1, [2015] **2020**.

Approved July 12, 2012

HB 1462 [HCS#2 HB 1462]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Extends the period of time that a biodiesel producer is eligible to receive payment from the Missouri Qualified Biodiesel Producer Incentive Fund due to a lack of appropriations

AN ACT to repeal section 142.031, RSMo, and to enact in lieu thereof one new section relating to the Missouri Qualified Biodiesel Producer Incentive Fund.

SECTION

A. Enacting clause.

142.031. Missouri qualified biodiesel producer fund created — eligibility for grants — rulemaking authority — expiration date — sale of facility, effect of.

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

SECTION A. ENACTING CLAUSE. — Section 142.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 142.031, to read as follows:

142.031. MISSOURI QUALIFIED BIODIESEL PRODUCER FUND CREATED — ELIGIBILITY FOR GRANTS — RULEMAKING AUTHORITY — EXPIRATION DATE — SALE OF FACILITY, EFFECT OF. — 1. As used in this section the following terms shall mean: (1) "Biodiesel", fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels; (2) "Missouri qualified biodiesel producer", a facility that produces biodiesel, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, and:

(a) a. Is at least fifty-one percent owned by agricultural producers who are residents of this state and who are actively engaged in agricultural production for commercial purposes; or

b. At least eighty percent of the feedstock used by the facility originates in the state of Missouri. For purposes of this section, "feedstock" means an agricultural, horticultural, viticultural, vegetable, aquacultural, livestock, forestry, or poultry product either in its natural or processed state; and

(b) Meets all of the following:

a. Has registered with the department of agriculture by September 1, 2007;

b. Has begun construction of the facility before November 1, 2007; and

c. Has begun production of biodiesel before March 1, 2009.

2. The "Missouri Qualified Biodiesel Producer Incentive Fund" is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified biodiesel producers pursuant to this section.

The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the fund provided that one hundred percent of the feedstock originates in the United States. However, the director may waive the feedstock requirements on a month-to-month basis if the facility provides verification that adequate feedstock is not available. A Missouri qualified biodiesel producer shall only be eligible for the grant for a total of sixty months unless such producers during the sixty months fail, due to a lack of appropriations, to receive the full amount from the fund for which the producers were eligible, in which case such producers shall continue to be eligible [for up to twenty-four additional months or] until they have received the maximum amount of funding for which such producers were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified biodiesel produced during the preceding month from feedstock, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from feedstock in the fiscal year plus ten cents per gallon for the next fifteen million gallons of qualified biodiesel produced from feedstock in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of thirty million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the last day of the month for which the grant is sought. The application shall include:

- (1) The location of the Missouri qualified biodiesel producer;
- (2) The average number of citizens of Missouri employed by the Missouri qualified biodiesel producer in the preceding month, if applicable;
- (3) The number of bushel equivalents of Missouri feedstock and out-of-state feedstock used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding month;
- (4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;
- (5) A copy of the qualified biodiesel producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

7. This section shall expire on December 31, 2009. However, Missouri qualified biodiesel producers receiving any grants awarded prior to December 31, 2009, shall continue to be eligible for the remainder of the original sixty-month time period under the same terms and conditions of this section unless such producer during such sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which he or she was eligible. In such case, such producers shall continue to be eligible [for up to twenty-four additional months or] until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period.

8. Any Missouri qualified biodiesel producer who receives any grant payments under this section who subsequently sells the biodiesel facility shall be subject to the following payback requirements:

(1) If such facility is sold within less than one year of the date of issuance of the last grant payment, the Missouri qualified biodiesel producer shall pay the state the amount of fifty percent of the total amount of grant payments received under this section;

(2) If such facility is sold within one to two years of the date of issuance of the last grant payment, the Missouri qualified biodiesel producer shall pay the state the amount of forty percent of the total amount of grant payments received under this section;

(3) If such facility is sold within two to three years of the date of issuance of the last grant payment, the Missouri qualified biodiesel producer shall pay the state the amount of thirty percent of the total amount of grant payments received under this section;

(4) If such facility is sold within three to four years of the date of issuance of the last grant payment, the Missouri qualified biodiesel producer shall pay the state the amount of twenty percent of the total amount of grant payments received under this section;

(5) If such facility is sold within four to five years of the date of issuance of the last grant payment, the Missouri qualified biodiesel producer shall pay the state the amount of ten percent of the total amount of grant payments received under this section. If the sale date of the facility

falls on a date that qualifies under more than one subdivision of this subsection, the greater payback amount shall apply. For purposes of this subsection, a facility shall be considered "sold" when there is a change in at least fifty-one percent of the facility's ownership in a transaction that involves a buyer or buyers and a seller or sellers.

Approved July 5, 2012

HB 1495 [SCS HCS HB 1495]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding liability for reporting insurance fraud

AN ACT to repeal section 375.993, RSMo, and to enact in lieu thereof one new section relating to fraudulent insurance acts.

SECTION

- A. Enacting clause.
 375.993. Department's papers, report, evidence not subject to public inspection or subpoena if part of investigation, release, when — no civil liability for filing reports or furnishing information.

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

SECTION A. ENACTING CLAUSE. — Section 375.993, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 375.993, to read as follows:

375.993. DEPARTMENT'S PAPERS, REPORT, EVIDENCE NOT SUBJECT TO PUBLIC INSPECTION OR SUBPOENA IF PART OF INVESTIGATION, RELEASE, WHEN — NO CIVIL LIABILITY FOR FILING REPORTS OR FURNISHING INFORMATION. — 1. The department's papers, documents, reports, or evidence relative to the subject of an investigation under this section shall not be subject to public inspection for so long as the department deems reasonably necessary to complete the investigation and any subsequent legal action. Further, such papers, documents, reports, or evidence relative to the subject of an investigation under sections 375.991 to 375.994 shall not be subject to subpoena until opened for public inspection by the department, unless the department consents, or until, after notice to the department and a hearing, the court determines the department would not be unnecessarily hindered by such subpoena. Department investigators shall not be subject to subpoena in civil actions by any court of this state to testify concerning any matter of which they have knowledge pursuant to a pending insurance fraud investigation by the department.

2. No insurer, employees or agents of any insurer, or any other person acting without malice, shall be subject to civil liability of **any kind, including** for libel [or otherwise] **and slander** by virtue of the filing of reports or furnishing other information required by sections 375.991 to 375.994 or required by the department of insurance, financial institutions and professional registration as a result of the authority granted in sections 375.991 to 375.994. **In addition, except when a person knowingly and intentionally communicates false information, no civil cause of action of any nature may arise against such person for any of the following:**

(1) Any information relating to suspected or anticipated fraudulent insurance acts furnished to or received from law enforcement officials, their agents, and employees;

(2) Any information relating to suspected or anticipated fraudulent insurance acts furnished to or received from other persons subject to the provisions of sections 375.991 to 375.994 and this section;

(3) Any information relating to suspected or anticipated fraudulent insurance acts furnished in reports to a federal or state governmental agency or office, the National Association of Insurance Commissioners, the National Insurance Crime Bureau, or any other organization established to detect and prevent fraudulent insurance acts, or to their agents, employees, or designees, or a recognized comprehensive database system recognized by the department.

Nothing herein is intended to abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.

Approved July 12, 2012

HB 1498 [SS SCS HCS HB 1498]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding liquor sales

AN ACT to repeal sections 311.087, 311.089, 311.090, 311.093, 311.097, 311.098, 311.102, 311.104, 311.174, 311.176, 311.178, 311.196, 311.273, 311.293, 311.481, 311.485, and 311.486, RSMo, and to enact in lieu thereof eleven new sections relating to sales of intoxicating liquor.

SECTION

- A. Enacting clause.
- 311.089. Sunday liquor sales by the drink, permitted when (St. Louis City, Kansas City).
- 311.090. Sale of liquor by the drink, cities, requirements.
- 311.174. Convention trade area, Kansas City, North Kansas City, Jackson County, liquor sale by drink, extended hours for business, requirements, fee.
- 311.176. Convention trade area, St. Louis City, liquor sale by drink, extended hours for business, requirements, fee — resort defined.
- 311.178. Convention trade area, St. Louis County, liquor sale by drink, extended hours for business, requirements, fee — resort defined — special permit for liquor sale by drink (Miller, Morgan, and Camden counties).
- 311.179. St. Louis Lambert International Airport, special permit to open at 4:00 a.m., fee.
- 311.196. Consumption off the premises, sale of beer permitted for restaurant bar without an on-site brewery, when.
- 311.205. Table tap dispensing of beer permitted, when.
- 311.293. Sunday sales, package liquor licensee allowed, hours, fee — city or county may also charge fee, limitations — exception.
- 311.485. Temporary location for liquor by the drink, caterers — permit and fee required — other laws applicable.
- 311.486. Special license, drink at retail for consumption on the premises, when — duration of license — fees.
- 311.087. Wine shops, sale of intoxicating liquor by the drink license — wine shop defined — fee.
- 311.093. Dance ballrooms, St. Louis City — special license — Sunday sales, fee.
- 311.097. Restaurant bar and certain transient guest accommodations, Sunday sales, when — restaurant bar defined — temporary license, new business, when — sports stadium, certain counties, special provisions.
- 311.098. Amusement places, Sunday sales, when, limitation — amusement place defined — temporary license, new business, when.
- 311.102. Place of entertainment — Sunday sales by the drink on premises — place of entertainment defined — license requirements, fee (St. Louis City, Jackson County, St. Louis County, Kansas City).
- 311.104. Sale by drink, Sunday sales, license may be issued — place of entertainment defined-collection of fees.
- 311.273. St. Louis sports stadiums, Sunday sales, malt liquor, certain beers, special license, required.
- 311.481. Sunday liquor sales for airline clubs.

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

SECTION A. ENACTING CLAUSE. — Sections 311.087, 311.089, 311.090, 311.093, 311.097, 311.098, 311.102, 311.104, 311.174, 311.176, 311.178, 311.196, 311.273, 311.293,

311.481, 311.485, and 311.486, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 311.089, 311.090, 311.174, 311.176, 311.178, 311.179, 311.196, 311.205, 311.293, 311.485, and 311.486, to read as follows:

311.089. SUNDAY LIQUOR SALES BY THE DRINK, PERMITTED WHEN (ST. LOUIS CITY, KANSAS CITY). — Any establishment possessing or qualifying for a license to sell intoxicating liquor by the drink at retail in any city not within a county, any home rule city with more than four hundred thousand inhabitants and located in more than one county and if such establishment is also located in a resort area, convention trade area, or enterprise zone area, the establishment may apply for a Sunday by-the-drink license between the hours of 9:00 a.m. and midnight on Sunday. [The business establishment's annual gross receipts for the year immediately preceding the application for the Sunday by-the-drink license shall not have been less than one hundred fifty thousand dollars of which at least sixty thousand dollars of such gross receipts is in nonalcoholic sales. Any new licensee possessing a license to sell intoxicating liquor by the drink at retail may apply for a temporary Sunday by-the-drink license and shall show a projection of annual gross receipts of not less than one hundred fifty thousand dollars of which at least sixty thousand dollars of such gross receipts is in nonalcoholic sales.] The license fee for such Sunday by-the-drink license shall be six hundred dollars per year. The license fee shall be prorated for the period of the license based on the cost of the annual license for the establishment.

311.090. SALE OF LIQUOR BY THE DRINK, CITIES, REQUIREMENTS. — 1. Any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, and the ordinances, rules and regulations of the incorporated city in which such licensee proposes to operate his business, may apply for, and the supervisor of [liquor] **alcohol and tobacco** control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises described in the application; provided, that no license shall be issued for the sale of intoxicating liquor, other than malt liquor containing alcohol not in excess of five percent by weight, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold to any person other than a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, in any incorporated city having a population of less than nineteen thousand five hundred inhabitants, until the sale of such intoxicating liquor, by the drink at retail for consumption on the premises where sold, shall have been authorized by a vote of the majority of the qualified voters of the city. Such authority shall be determined by an election to be held in those cities having a population of less than nineteen thousand five hundred inhabitants as determined by the last preceding federal decennial census, under the provisions and methods set out in this chapter. Once such licenses are issued in a city with a population of at least nineteen thousand five hundred inhabitants, any subsequent loss of population shall not require the qualified voters of such a city to approve the sale of such intoxicating liquor prior to the issuance or renewal of such licenses. No license shall be issued for the sale of intoxicating liquor, other than malt liquor containing alcohol not in excess of five percent by weight, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold, outside the limits of such incorporated cities unless the licensee is a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended.

2. [Notwithstanding any other provisions of this chapter to the contrary, any charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, between the hours of 9:00 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises described in the application. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to organizations licensed under this subsection in the same manner as they apply to establishments licensed under subsection 1 of this section and sections 311.085 and 311.095. In addition to all other fees required by law, an organization licensed under this section shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

3.] If any charitable, fraternal, religious, service, or veterans' organization has a license to sell intoxicating liquor on its premises pursuant to this section and such premises includes two or more buildings in close proximity, such permit shall be valid for the sale of intoxicating liquor at any such building.

311.174. CONVENTION TRADE AREA, KANSAS CITY, NORTH KANSAS CITY, JACKSON COUNTY, LIQUOR SALE BY DRINK, EXTENDED HOURS FOR BUSINESS, REQUIREMENTS, 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 for consumption on the premises in a city with a population of at least four thousand inhabitants which borders the Missouri River and also borders a city with a population of over three hundred thousand inhabitants located in at least three counties, in a city with a population of over three hundred thousand which is located in whole or in part within a first class county having a charter form of government or in a first class county having a charter form of government which contains all or part of a city with a population of over three hundred thousand inhabitants, may apply to the supervisor of [liquor] **alcohol and tobacco** control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day; except that, an entity exempt from federal income taxes under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended, and located in a building designated as a National Historic Landmark by the United States Department of the Interior may apply for a license to remain open until 6:00 a.m. of the following day. The time of opening on Sunday may be [11:00] **9:00** a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. When the premises of such an applicant is located in a city as defined in this section, then the premises must be located in an area which has been designated as a convention trade area by the governing body of the city. When the premises of such an applicant is located in a county as defined in this section, then the premises must be located in an area which has been designated as a convention trade area by the governing body of the county.

2. An applicant granted a special permit under 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.

3. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any first class county having a charter form of government which contains all or part of a city with a population of over three hundred thousand inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section.

311.176. CONVENTION TRADE AREA, ST. LOUIS CITY, LIQUOR SALE BY DRINK, EXTENDED HOURS FOR BUSINESS, REQUIREMENTS, FEE — RESORT DEFINED. — 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 for consumption on the premises in a city not located within a county, may apply to the supervisor of [liquor] **alcohol and tobacco** control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be [8:00] **9:00** a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. To qualify for such a permit, the premises of such an applicant must be located in an area which has been designated as a convention trade area by the governing body of the city and the applicant must meet at least one of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred fifty thousand dollars or more; or

(2) The business is a resort. For purposes of this section, a "resort" is defined as any establishment having at least sixty rooms for the overnight accommodation of transient guests and having a restaurant located on the premises.

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.

311.178. CONVENTION TRADE AREA, ST. LOUIS COUNTY, LIQUOR SALE BY DRINK, EXTENDED HOURS FOR BUSINESS, REQUIREMENTS, FEE — RESORT DEFINED — SPECIAL PERMIT FOR LIQUOR SALE BY DRINK (MILLER, MORGAN, AND CAMDEN COUNTIES). — 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 for consumption on the premises in a county of the first classification having a charter form of government and not containing all or part of a city with a population of over three hundred thousand may apply to the supervisor of [liquor] **alcohol and tobacco** control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be [11:00] **9:00** a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The premises of such an applicant shall be located in an area which has been designated as a convention trade area by the governing body of the county and the applicant shall meet at least one of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred fifty thousand dollars or more; or

(2) The business is a resort. For purposes of this subsection, a "resort" is defined as any establishment having at least sixty rooms for the overnight accommodation of transient guests and having a restaurant located on the premises.

2. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a county of the third classification without a township form of government having a population of more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, a county of the third classification without a township form of government having a population of more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants or a county of the first classification without a charter form of government with a population of at least thirty-seven thousand inhabitants but not more than thirty-seven thousand one hundred inhabitants may apply to the supervisor of [liquor] **alcohol and tobacco** control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be [11:00] **9:00** a.m. The provisions of this section and not those of section 311.097 regarding the time of

closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The applicant shall meet all of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred thousand dollars or more;

(2) The business is a resort. For purposes of this subsection, a "resort" is defined as any establishment having at least seventy-five rooms for the overnight accommodation of transient guests, having at least three thousand square feet of meeting space and having a restaurant located on the premises; and

(3) The applicant shall develop, and if granted a special permit shall implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be made except to guests with overnight accommodations at the licensee's resort. The plan shall be subject to approval by the supervisor of ~~liquor~~ **alcohol and tobacco** control and shall provide a practical method for the division of ~~liquor~~ **alcohol and tobacco** control and other law enforcement agencies to enforce the provisions of subsection 3 of this section.

3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any person except a guest with overnight accommodations at the licensee's resort.

4. 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.

5. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any county of the first classification having a charter form of government which does not contain all or part of a city with a population of over three hundred thousand inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section.

311.179. ST. LOUIS LAMBERT INTERNATIONAL AIRPORT, SPECIAL PERMIT TO OPEN AT 4:00 A.M., 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 may apply to the supervisor of liquor control for a special permit. The permit shall allow 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. 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.

311.196. CONSUMPTION OFF THE PREMISES, SALE OF BEER PERMITTED FOR RESTAURANT BAR WITHOUT AN ON-SITE BREWERY, WHEN. — Notwithstanding any other provision of law to the contrary, any restaurant bar without an on-site brewery that serves [forty-five] **twenty** or more different types of draft beer may sell thirty-two fluid ounces or more of such beer to customers for consumption off the premises of such bar or tavern. As used in this section, the term "restaurant bar" means any establishment having a restaurant or similar facility on the premises at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises.

311.205. TABLE TAP DISPENSING OF BEER PERMITTED, WHEN. — 1. Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a table tap dispensing system to allow patrons of the licensee to dispense beer at a table. Before a patron may dispense beer, an employee of the licensee must first authorize an amount of beer, not to exceed thirty-two ounces per patron per authorization, to be dispensed by the table tap dispensing system.

2. No provision of law or rule or regulation of the supervisor shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish table tap dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of table tap dispensing systems.

311.293. SUNDAY SALES, PACKAGE LIQUOR LICENSEE ALLOWED, HOURS, FEE — CITY OR COUNTY MAY ALSO CHARGE FEE, LIMITATIONS — EXCEPTION. — 1. [Notwithstanding the provisions of any law to the contrary,] **Except for any establishment that may apply for a license under section 311.089,** any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor [in the original package] at retail [pursuant to section 311.200], may apply to the supervisor of alcohol and tobacco control for a special license to sell intoxicating liquor [in the original package] at retail between the hours of 9:00 a.m. and midnight on Sundays. A licensee under this section shall pay to the director of revenue an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

2. In addition to any fee collected pursuant to section 311.220, a city or county may charge and collect an additional fee not to exceed three hundred dollars from any licensee under this section for the privilege of selling intoxicating liquor [in the original package] at retail between the hours of 9:00 a.m. and midnight on Sundays in such city or county; however the additional fee shall not exceed the fee charged by that city or county for a special license issued pursuant to any provision of this chapter which allows a licensee to sell intoxicating liquor by the drink for consumption on the premises of the licensee on Sundays.

3. The provisions of this section regarding the time of closing shall not apply to any person who possesses a special permit issued under section 311.174, 311.176, or 311.178.

311.485. TEMPORARY LOCATION FOR LIQUOR BY THE DRINK, CATERERS — PERMIT AND FEE REQUIRED — OTHER LAWS APPLICABLE. — 1. The supervisor of liquor control may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor[, including intoxicating liquor in the original package,] by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is issued.

2. Except as provided in subsection 3 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion or event is held shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. **This temporary permit shall allow the sale of intoxicating liquor in the original package.**

3. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages in the course of his or her catering

business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

4. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering permit issued pursuant to this section.

311.486. SPECIAL LICENSE, DRINK AT RETAIL FOR CONSUMPTION ON THE PREMISES, WHEN—DURATION OF LICENSE—FEES. — 1. The supervisor of alcohol and tobacco control may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor[, including intoxicating liquor in the original package,] by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The special license shall be effective for a maximum of fifty days during any year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every special license issued pursuant to the provisions of this subsection, the licensee shall pay to the director of revenue the sum of five hundred dollars a year payable at the same time and in the same manner as its other license fees.

2. The supervisor of alcohol and tobacco control may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The special license shall be effective for an unlimited number of functions during the year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every special license issued pursuant to the provisions of this subsection, the licensee shall pay to the director of revenue the sum of one thousand dollars a year payable at the same time and in the same manner as its other license fees.

3. Caterers issued a special license pursuant to subsections 1 and 2 of this section shall report to the supervisor of alcohol and tobacco control the location of each function three business days in advance. The report of each function shall include permission from the property owner and city, description of the premises, and the date or dates the function will be held.

4. Except as provided in subsection 5 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion, or event is held shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such premises. **Any special license issued under this section shall allow the sale of intoxicating liquor in the original package.**

5. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

6. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight delivered and invoiced under the catering license number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering function.

[311.087. WINE SHOPS, SALE OF INTOXICATING LIQUOR BY THE DRINK LICENSE — WINE SHOP DEFINED — FEE. — Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any wine shop, as defined in this section, between the hours of 10:00 a.m. on Sunday and 10:00 p.m. on Sunday. As used in this section, the term "wine shop" means any establishment that uses automated wine dispensing equipment to dispense wine tastings by the glass at retail for consumption on the premises where sold, so long as at least fifty percent of the total sales of the wine shop are from package sales. In addition to all other fees required by law, an applicant granted a special license under this section shall pay an additional fee of two hundred dollars a year payable at the time and in the same manner as its other license fees.]

[311.093. DANCE BALLROOMS, ST. LOUIS CITY — SPECIAL LICENSE — SUNDAY SALES, FEE. — Notwithstanding any other law to the contrary, any dance ballroom that is at least fifty years old, located in a business district of a city not within a county, with a seating capacity of at least six hundred persons, and with a dance floor of at least four thousand eight hundred square feet may apply to the supervisor of liquor control for a special license to sell intoxicating liquor by the drink at retail on the premises between the hours of 11:00 a.m. and midnight on Sundays. In addition to all other fees required by law, an applicant granted a special license under this section shall pay an additional fee of two hundred dollars a year payable at the time and in the same manner as its other license fees.]

[311.097. RESTAURANT BAR AND CERTAIN TRANSIENT GUEST ACCOMMODATIONS, SUNDAY SALES, WHEN — RESTAURANT BAR DEFINED — TEMPORARY LICENSE, NEW BUSINESS, WHEN — SPORTS STADIUM, CERTAIN COUNTIES, SPECIAL PROVISIONS. — 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of control may issue, a license to sell intoxicating liquor, as in this chapter defined, between the hours of 9:00 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient guests. As used in this section, the term "restaurant bar" means any establishment having a restaurant or similar facility on the premises at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on such premises.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a restaurant bar or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient guests in the same manner as they apply to establishments licensed under sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, a restaurant bar or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient guests shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

3. Any new restaurant bar having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 a.m. and midnight on Sunday for a period not to exceed ninety days if the restaurant bar can show a projection of annual business from prepared meals

or food consumed on the premises of at least fifty percent of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

4. In counties of the first class having a charter form of government and which contain all or a part of a city having a population of at least three hundred fifty thousand, any restaurant bar licensed under the provisions of this section which is located on the grounds of a sports stadium primarily used for professional sporting events may sell intoxicating liquor by the drink at retail for consumption within the premises of the restaurant bar on Sunday between the hours of 8:00 a.m. and 12:00 midnight notwithstanding the hours of limitation set forth in subsection 1 of this section.

5. The provisions of this section regarding the time of closing shall not apply to any person who possesses a special permit issued under section 311.174, 311.176, or 311.178.]

[311.098. AMUSEMENT PLACES, SUNDAY SALES, WHEN, LIMITATION — AMUSEMENT PLACE DEFINED — TEMPORARY LICENSE, NEW BUSINESS, WHEN. — 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor, as defined in this chapter, between the hours of 9:00 a.m. and midnight on Sunday by the drink at retail for consumption on the premises of any amusement place as described in the application. As used in this section the term "amusement place" means any establishment whose business building contains a square footage of at least six thousand square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, or has a dance floor of at least two thousand five hundred square feet, or any outdoor golf course with a minimum of nine holes, and which has annual gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts is in nonalcoholic sales.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to an amusement place in the same manner as they apply to establishments licensed under sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, an amusement place shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees.

3. Any new amusement place having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 a.m. and midnight on Sunday for a period not to exceed ninety days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts are in nonalcoholic sales for the first year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.]

[311.102. PLACE OF ENTERTAINMENT — SUNDAY SALES BY THE DRINK ON PREMISES — PLACE OF ENTERTAINMENT DEFINED — LICENSE REQUIREMENTS, FEE (ST. LOUIS CITY, JACKSON COUNTY, ST. LOUIS COUNTY, KANSAS CITY). — 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any place of entertainment, as defined in this section, between the hours of 9:00 a.m. on Sunday and midnight on Sunday. As used in this section, the term "place of entertainment" means any establishment

located in a city not within a county or in a county of the first classification having a charter form of government with a population of at least nine hundred thousand or more inhabitants or in a county of the first classification having a charter form of government containing any portion of a city with a population of three hundred eighty thousand or more or in any city with a population of three hundred eighty thousand or more which is located in more than one county which has gross annual sales in excess of two hundred fifty thousand dollars and the establishment has been in operation for at least one year.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a place of entertainment in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090, and 311.095, and in addition to all other fees required by law, a place of entertainment shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.]

[311.104. SALE BY DRINK, SUNDAY SALES, LICENSE MAY BE ISSUED — PLACE OF ENTERTAINMENT DEFINED-COLLECTION OF FEES. — 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any place of entertainment, as defined in this section, between the hours of 9:00 a.m. on Sunday and midnight on Sunday. As used in this section, the term "place of entertainment" means any establishment located in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants which has gross annual sales in excess of one hundred fifty thousand dollars and the establishment has been in operation for at least one year.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a place of entertainment in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090, and 311.095, and in addition to all other fees required by law, a place of entertainment shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.]

[311.273. ST. LOUIS SPORTS STADIUMS, SUNDAY SALES, MALT LIQUOR, CERTAIN BEERS, SPECIAL LICENSE, REQUIRED. — 1. Notwithstanding the provisions of section 311.270, or any other provision of law to the contrary, any person, firm, or corporation holding a license to sell malt liquor only may apply for a special license to sell malt liquor or beer containing not in excess of five percent alcohol by weight on Sunday in sports stadiums primarily used for professional sporting events, in cities not within a county.

2. The license shall be issued by the supervisor of liquor control upon the payment of an additional license fee of three hundred dollars per year.

3. The special license shall allow such person, firm, or corporation to sell malt liquor or beer containing not in excess of five percent alcohol by weight, for on-premises consumption only, for a period starting at 11:00 a.m. on Sundays, and ending at 1:30 a.m. on the following Monday.

4. Nothing in this section shall be construed to permit the special licensee to sell such malt liquor or beer for off-premises consumption.]

[311.481. SUNDAY LIQUOR SALES FOR AIRLINE CLUBS. — 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required

by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, 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 between the hours of 11:00 a.m. on Sunday and midnight on Sunday at retail for consumption on the premises of any airline club as described in the application. As used in this section, the term "airline club" shall mean an establishment located within an international airport and owned, leased, or operated by or on behalf of an airline, as a membership club and special services facility for passengers of such airline.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to each airline club in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, a person licensed pursuant to this section shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees; except that the requirements other than fees pertaining to the sale of liquor by the drink on Sunday shall not apply.]

Approved July 10, 2012

HB 1504 [SCS HB 1504]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding sales taxes

AN ACT to repeal sections 67.750, 67.1360, 67.1706, 67.1712, 67.1715, 67.1721, 67.1742, 67.1754, 67.2500, 67.2510, 71.625, 92.338, 144.190, 144.805, and 182.802, RSMo, and to enact in lieu thereof thirty-five new sections relating to sales taxes.

SECTION

- A. Enacting clause.
- 67.750. Definitions.
- 67.1360. Transient guests to pay tax for funding the promotion of tourism, certain cities and counties, vote required.
- 67.1706. District to develop, operate and maintain system of interconnecting trails and parks — power to contract with other parks.
- 67.1712. Sales tax may be imposed on retail sales, rate to fund program — additional sales tax, amount, purpose — ordinance to be submitted to voters.
- 67.1715. District ballot form, approval of majority required — district established, when.
- 67.1721. District to contain more than one county, procedure — counties wanting to be included in district after it is established, procedure.
- 67.1742. Powers and duties of the district.
- 67.1754. Sales tax, how allocated — reauthorization of tax, when.
- 67.2500. Establishment of a district, where — definitions.
- 67.2510. Alternative procedure for establishment of a district.
- 67.5000. District authorized.
- 67.5002. Name of district.
- 67.5004. Responsibilities of district, powers and responsibilities supplemental to other systems.
- 67.5006. Powers of district.
- 67.5008. Ballot language.
- 67.5010. Majority vote required.
- 67.5012. Sale tax authorized in counties of district.
- 67.5014. Allocation of sales tax.
- 67.5016. Department of revenue to administer and collect tax — directors duties.
- 67.5018. Treasurer's duties — report required, when.
- 67.5020. Revenues from tax not to be allocated to special fund by municipalities.

- 67.5022. Board of directors, appointment, terms, removal.
- 67.5024. Organizational meeting — adoption of bylaws, rules, and regulations.
- 67.5026. Qualifications of board members.
- 67.5028. Alterations of public highways, streets, or roads through parks, trails, or greenways — agreements permitted.
- 67.5030. Eminent domain authority, district not authorized to exercise.
- 67.5032. Issuance of bonds, requirements.
- 67.5034. Negotiable refunding bonds permitted, limitations.
- 67.5036. Public function, board declared performing — exemption from taxation by this state.
- 67.5038. Purchases in excess of \$10,000 by lowest and best bid standard.
- 71.625. License tax, payment, when deemed timely — municipal corporations, interest and penalties on delinquencies to apply.
- 92.338. Provisions, exemptions and confidentiality of state sales tax to apply — exemption certificates, form — collection of tax, deduction allowed for collection — refunds and penalties.
- 144.190. Refund of overpayments — claim for refund — time for making claims — paid to whom — direct pay agreement for certain purchasers — special rules for error corrections — refund not allowed, when — taxes paid more than once, effect of.
- 144.805. Aviation jet fuel sold to common carriers in interstate transporting or storage exempt from all sales and use tax, when — qualification, procedure — common carrier to make direct payment to revenue — tax revenues to be deposited in aviation trust fund — expires when.
- 182.802. Public libraries, sales tax authorized — ballot language — definitions (Butler, Dunklin, New Madrid, Pemisot, Ripley, Stoddard, and Wayne counties)

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

SECTION A. ENACTING CLAUSE. — Sections 67.750, 67.1360, 67.1706, 67.1712, 67.1715, 67.1721, 67.1742, 67.1754, 67.2500, 67.2510, 71.625, 92.338, 144.190, 144.805, and 182.802, RSMo, are repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 67.750, 67.1360, 67.1706, 67.1712, 67.1715, 67.1721, 67.1742, 67.1754, 67.2500, 67.2510, 67.5000, 67.5002, 67.5004, 67.5006, 67.5008, 67.5010, 67.5012, 67.5014, 67.5016, 67.5018, 67.5020, 67.5022, 67.5024, 67.5026, 67.5028, 67.5030, 67.5032, 67.5034, 67.5036, 67.5038, 71.625, 92.338, 144.190, 144.805, and 182.802, to read as follows:

67.750. DEFINITIONS. — As used in sections 67.750 to 67.799 and sections 67.1700 to 67.1769, the following terms mean:

(1) "Board", any board, commission, committee or council appointed or designated to carry out the provisions of sections 67.750 to 67.799 and sections 67.1700 to 67.1769;

(2) "County", any county or any city not within a county;

(3) "District", any regional recreational district proposed or created pursuant to sections 67.750 to 67.799 and sections 67.1700 to 67.1769;

(4) "Executive", any mayor, county executive, presiding commissioner, or other chief executive of a county;

(5) "**Gateway Arch grounds**", the **Jefferson National Expansion Memorial National Historic Site as defined by the United States Department of the Interior, and related public property and improvements**;

(6) "Governing body", any city council, county commission, board of aldermen, county council, board of education or township board;

[(6)] (7) "Metropolitan district", any metropolitan park and recreation district established pursuant to sections 67.1700 to 67.1769;

[(7)] (8) "Political subdivision", any county, township, city, incorporated town or village in the state of Missouri, and any school district 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;

[(8)] (9) "Regional recreation fund" or "metropolitan park and recreation fund", the fund held in the treasury of the county providing the largest financial contribution to the district or metropolitan district, as appropriate, which shall be the repository for all taxes and other moneys

raised by or for the regional recreation district or metropolitan park and recreation district pursuant to sections 67.792 to 67.799 and sections 67.1700 to 67.1769.

67.1360. TRANSIENT GUESTS TO PAY TAX FOR FUNDING THE PROMOTION OF TOURISM, CERTAIN CITIES AND COUNTIES, VOTE REQUIRED. — 1. The governing body of the following cities and counties may impose a tax as provided in this section:

(1) A city with a population of more than seven thousand and less than seven thousand five hundred;

(2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;

(3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than

seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants;

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in 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;

(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants; [or]

(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt; or

(36) Any city of the fourth classification with more than five thousand but fewer than five thousand five hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

67.1706. DISTRICT TO DEVELOP, OPERATE AND MAINTAIN SYSTEM OF INTERCONNECTING TRAILS AND PARKS — POWER TO CONTRACT WITH OTHER PARKS. — The metropolitan district shall have as its duty the development, operation and maintenance of a public system of interconnecting trails and parks throughout the counties comprising the district, **including any areas under concurrent jurisdiction with an agency of the United States government.** Nothing in this section shall restrict the district's entering into and initiating projects dealing with parks not necessarily connected to trails. The metropolitan district shall supplement but shall not substitute for the powers and responsibilities of the other parks and recreation systems within the metropolitan district or other conservation and environmental regulatory agencies and shall have the power to contract with other parks and recreation systems as well as with other public and private entities. Nothing in this section shall give the metropolitan district authority to regulate water quality, watershed or land use issues in the counties comprising the district.

67.1712. SALES TAX MAY BE IMPOSED ON RETAIL SALES, RATE TO FUND PROGRAM — ADDITIONAL SALES TAX, AMOUNT, PURPOSE — ORDINANCE TO BE SUBMITTED TO VOTERS. —

1. The governing body of any county located within the proposed metropolitan district is

hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of a metropolitan park and recreation district.

2. In addition to the tax authorized in subsection 1 of this section, the governing body of any county located within the metropolitan district as of January 1, 2012, is authorized to impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of the metropolitan park and recreation district. Such incremental sales tax shall not be implemented unless approved by the voters of the county with the largest population within the district and at least one other such county under subsection 2 of section 67.1715.

3. The [tax] taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other sales taxes allowed by law. The governing body of any county within the [proposed] metropolitan district enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing or increasing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The provisions of sections 32.085 and 32.087 shall apply to any tax and increase in tax approved pursuant to this section and sections 67.1715 to 67.1721.

67.1715. DISTRICT BALLOT FORM, APPROVAL OF MAJORITY REQUIRED — DISTRICT ESTABLISHED, WHEN. — 1. For the original sales tax of up to one-tenth of one cent authorized in subsection 1 of section 67.1712, the question shall be submitted to the voters in each county of the proposed metropolitan district in substantially the following form:

Shall there be organized in the County of, state of Missouri, a metropolitan park and recreation district for the purposes of improving water quality, increasing park safety, providing neighborhood trails, improving, restoring and expanding parks, providing disabled and expanded public access to recreational areas, preserving natural lands for wildlife and maintaining other recreational grounds within the boundaries of such proposed metropolitan district, and shall County join such other of (insert all counties within proposed district) Counties that approve the formation of such a district in their respective counties to form one metropolitan district to be known as ". Metropolitan Park and Recreation District", with funding authority not to exceed one-tenth of one cent sales taxation, subject to an independent annual audit, with fifty percent of such revenue going to the metropolitan district and fifty percent being returned to County for local park improvements, all as authorized by the (insert name of governing body) of County pursuant to (insert ordinance number), on the day of (insert month), (insert year)?

YES NO

2. For the additional sales tax of up to three-sixteenths of one cent authorized in subsection 2 of section 67.1712, the question shall be submitted to the voters in each county of the proposed metropolitan district in substantially the following form:

"SAFE AND ACCESSIBLE ARCH AND PUBLIC PARKS INITIATIVE

For the purpose of increasing safety, security, and public accessibility for the Gateway Arch grounds and local, county, and regional parks and trails for families and disabled and elderly visitors, and for providing expanded activities and improvements of such areas, shall (insert county name) County join such other of (insert names of all counties within the metropolitan district considering the increase in sales tax for the metropolitan district) to impose a (insert rate) of one cent sales tax in addition to the existing one-tenth of one cent sales tax applied to such purposes, with sixty percent of the revenues derived from the added tax allocated to the Metropolitan Park and Recreation District for Gateway Arch grounds and other regional park and trail improvements, and the remaining forty percent allocated to (insert county name) County for local and county park improvements as authorized by the (insert governing body name) of

(insert county name) County under (insert ordinance number), on the (insert day) day of (insert month), (insert year), with such tax not to include the sale of food and prescription drugs and to be subject to an independent annual public audit?"

67.1721. DISTRICT TO CONTAIN MORE THAN ONE COUNTY, PROCEDURE — COUNTIES WANTING TO BE INCLUDED IN DISTRICT AFTER IT IS ESTABLISHED, PROCEDURE. — In the event that the proposed metropolitan district consists of more than one county, if a majority of the votes cast on the proposal by the qualified voters voting in a county proposed for inclusion in the metropolitan district are in favor of the proposal, then the metropolitan district shall be deemed organized and that county shall be included in the metropolitan district, but if a majority of the votes cast on the proposal by the qualified voters voting in the county proposed for inclusion are opposed to the proposal, then the county shall not be included in the metropolitan district. After the metropolitan district has been created, counties eligible for inclusion in the metropolitan district and not already included in the metropolitan district may join the metropolitan district after such a proposal is submitted to the voters of the county proposed for subsequent inclusion and such proposal is approved by a majority of the qualified voters voting thereon in the county proposed for inclusion in the manner described in this section and [sections] **subsection 1 of section 67.1715 and in section 67.1718.**

67.1742. POWERS AND DUTIES OF THE DISTRICT. — A metropolitan park and recreation district shall have the power to:

(1) Issue bonds, notes or other obligations for any of the purposes of the district, and to refund such bonds, notes or obligations, as provided in sections 67.1760 to 67.1769. **No bonds, notes, or obligations issued to fund activities under subsection 1 of section 67.1754, subparagraph b. of paragraph (a) or subparagraph b. of paragraph (b) of subdivision (1) of subsection 2 of section 67.1754 or subdivision (2) of subsection 2 of section 67.1754, shall be secured by tax revenues allocated under subparagraph a. of paragraph (a) or subparagraph a. of paragraph (b) of subdivision (1) of subsection 2 of section 67.1754, and no bonds, notes, or obligations issued to fund activities under subparagraph a. of paragraph (a) or subparagraph a. of paragraph (b) of subdivision (1) of subsection 2 of section 67.1754 shall be secured by tax revenues allocated under subparagraph b. of paragraph (a) or subparagraph b. of paragraph (b) of subdivision (1) of subsection 2 of section 67.1754 or subdivision (2) of subsection 2 of section 67.1754;**

(2) Contract with public and private entities or individuals both within and without the state and shall have the power to contract with the United States or any agency thereof in furtherance of any of the purposes of the district. **Any contract for capital improvement or maintenance activities in the area to be improved with tax revenues allocated under subparagraph a. of paragraph (a) or subparagraph a. of paragraph (b) of subdivision (1) of subsection 2 of section 67.1754 shall require the concurrent approval of the metropolitan district, the public entity owning or controlling the real property being improved or maintained, and the public or not-for-profit entities directly providing supplemental funding for such contract, and all such capital improvements or maintenance activities shall be constructed and performed in accordance with a comprehensive capital improvements program agreement approved by the metropolitan district before the vote of the public relating to a sales tax authorized in subsection 2 of section 67.1712;**

(3) Own, hold, control, lease, purchase from willing sellers, contract and sell any and all rights in land, buildings, improvements, and any and all other real, personal or mixed property, provided that real property within a county may only be purchased by the metropolitan district if a majority of the board members from the county in which such real property is located consent to such acquisition;

(4) Receive property, both real and personal, or money which has been granted, donated, devised or bequeathed to the district;

- (5) Establish and collect reasonable charges for the use of the facilities of the district; and
- (6) Maintain an office and staff at such place or places in this state as it may designate and conduct such business and operations as is necessary to fulfill the district's duties pursuant to sections 67.1700 to 67.1769.

67.1754. SALES TAX, HOW ALLOCATED—REAUTHORIZATION OF TAX, WHEN.— 1. The sales tax authorized in sections 67.1712 to 67.1721 shall be collected and allocated as follows:

(1) Fifty percent of the sales taxes collected from each county shall be deposited in the metropolitan park and recreational fund to be administered by the board of directors of the district to pay costs associated with the establishment, administration, operation and maintenance of public recreational facilities, parks, and public recreational grounds associated with the district. Costs for office administration beginning in the second fiscal year of district operations may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this subdivision;

(2) Fifty percent of the sales taxes collected from each county shall be returned to the source county for park purposes, except that forty percent of such fifty percent amount shall be reserved for distribution to municipalities within the county in the form of grant revenue-sharing funds. Each county in the district shall establish its own process for awarding the grant proceeds to its municipalities for park purposes provided the purposes of such grants are consistent with the purpose of the district. In the case of a county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in section 67.1757; in such county, notwithstanding other provisions to the contrary, the grant proceeds may be used to fund any recreation program or park improvement serving municipal residents and for such other purposes as set forth in section 67.1757.

2. The sales tax authorized under subsection 2 of section 67.1712 shall be collected and allocated as follows:

(1) Sixty percent of the sales taxes collected from all counties shall be deposited in a separate metropolitan park and recreational fund to be administered by the board of directors of the metropolitan district to pay costs associated with the administration, operation, and maintenance of public recreational facilities, parks, and public recreational grounds associated with the metropolitan district. Of this amount:

(a) For a period ending twenty years after the issuance of any bonds issued for the purpose of improving and maintaining the Gateway Arch grounds, but no later than twenty-three years after the effective date of the incremental sales tax as approved by voter initiative under subsection 2 of section 67.1715:

a. Fifty percent shall be apportioned to accessibility, safety, improvement, and maintenance of the Gateway Arch grounds; and

b. Fifty percent shall be apportioned to accessibility, safety, improvement, and maintenance of park projects other than the Gateway Arch grounds;

(b) After the period described in paragraph (a) of this subdivision:

a. Twenty percent shall be apportioned to accessibility, safety, improvement, and maintenance of the Gateway Arch grounds; and

b. Eighty percent shall be apportioned to accessibility, safety, improvement, and maintenance of park projects other than the Gateway Arch grounds;

(c) Costs for office administration beginning in the second fiscal year of collection and allocation may be up to but shall not exceed fifteen percent of the amount deposited under this subdivision;

(2) Forty percent of the sales taxes collected from each county shall be returned to the source county for park purposes, except that forty percent of the amount allocated to each source county shall be reserved for distribution to municipalities within the county in the form of grant-sharing funds. Each county in the metropolitan district shall establish its own process for awarding the grant proceeds to its municipalities for park purposes,

provided the purposes of such grants are consistent with the purpose of the metropolitan district. In the case of any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in section 67.1757, and in such county, notwithstanding any other provision of law to the contrary, such grant proceeds may be used to fund any recreation program or park improvement serving municipal residents and for such other purposes as set forth in section 67.1757.

3. At a general election occurring not less than six months before the expiration of twenty years after issuance of any bonds issued for the purpose of improving and maintaining the Gateway Arch grounds, but no later than twenty-three years after the effective date of the incremental sales tax as approved by voter initiative under subsection 2 of section 67.1715, the governing body of any county within the metropolitan district whose voters approved such incremental tax shall submit to its voters a proposal to reauthorize such tax after the expiration of such period. The form of the question shall be determined by the metropolitan district. Such reauthorization shall become effective only after a majority of the voters of each such county who vote on such reauthorization approve the reauthorization.

67.2500. ESTABLISHMENT OF A DISTRICT, WHERE — DEFINITIONS. — 1. A theater, cultural arts, and entertainment district may be established in the manner provided in section 67.2505 by the governing body of any county, city, town, or village that has adopted transect-based zoning under chapter 89, any county described in this subsection, or any city, town, or village that is within such counties:

(1) Any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants;

(2) Any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants;

(3) Any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants;

(4) Any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;

(5) 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;

(6) 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;

(7) Any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat.

2. Sections 67.2500 to 67.2530 shall be known as the "Theater, Cultural Arts, and Entertainment District Act".

3. As used in sections 67.2500 to 67.2530, the following terms mean:

(1) "District", a theater, cultural arts, and entertainment district organized under this section;

(2) "Qualified electors", "qualified voters", or "voters", registered voters residing within the district or subdistrict, or proposed district or subdistrict, who have registered to vote pursuant to chapter 115 or, if there are no persons eligible to be registered voters residing in the district or subdistrict, proposed district or subdistrict, property owners, including corporations and other entities, that are owners of real property;

(3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115; and

(4) "Subdistrict", a subdivision of a district, but not a separate political subdivision, created for the purposes specified in subsection 5 of section 67.2505.

67.2510. ALTERNATIVE PROCEDURE FOR ESTABLISHMENT OF A DISTRICT. — As a complete alternative to the procedure establishing a district set forth in section 67.2505, a theater, cultural arts, and entertainment district may be established in the manner provided in section 67.2515 by a circuit court with jurisdiction over any county, city, town, or village that has adopted transect-based zoning under chapter 89, any county described in this section, or any city, town, or village that is within such counties:

- (1) Any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants;
- (2) Any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants;
- (3) Any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants;
- (4) Any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;
- (5) 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;
- (6) 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;
- (7) Any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat.

67.5000. DISTRICT AUTHORIZED. — A parks, trails, and greenways district may be created, incorporated, and managed pursuant to sections 67.5000 to 67.5038 and once created may exercise the powers given to that district pursuant to section 67.5006. A district shall include a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants. Any recreation system or public parks system that exists within a district established pursuant to sections 67.5000 to 67.5038 shall remain in existence with the same powers and responsibilities it had prior to the establishment of such district. Nothing in sections 67.5000 to 67.5038 shall be construed in any manner to limit or prohibit:

- (1) Later establishment or cessation of any park or recreation system provided by law; or
- (2) Any powers and responsibilities of any park or recreation system provided by state law.

67.5002. NAME OF DISTRICT. — When a district authorized by section 67.5000 is created, it shall be a body corporate and a political subdivision of this state and the district shall be known as ". Parks, Trails, and Greenways District". In that name, the district may sue and be sued, issue bonds and levy and collect taxes or fees pursuant to the limitations of sections 67.5000 to 67.5038.

67.5004. RESPONSIBILITIES OF DISTRICT, POWERS AND RESPONSIBILITIES SUPPLEMENTAL TO OTHER SYSTEMS. — Each district established pursuant to sections 67.5000 to 67.5033 shall be responsible for the planning, development, operation, and maintenance of a public system of interconnecting trails, open spaces, greenways, and parks throughout the county comprising such district, except as otherwise specifically provided for by statute. The powers and responsibilities of the district shall be supplemental to, but shall not be a substitute for, the powers and responsibilities of other parks and recreation systems located within the district or for the powers of other conservation and environmental regulatory agencies. Nothing in this section shall be

interpreted to give any district the authority to regulate water quality, watershed, or land use issues in the county comprising the district.

67.5006. POWERS OF DISTRICT. — A parks, trails, and greenways district shall have the power to:

(1) Prepare or cause to be prepared and adopt a plan or plans for interconnecting systems of public trails, open spaces, greenways, and parks throughout the county comprising the district;

(2) Develop, supervise, improve, maintain, and take custody of an interconnecting system of public parks, trails, open spaces, greenways, and recreational facilities owned, operated, managed, or maintained by that district;

(3) Issue bonds, notes, or other obligations in furtherance of any power or duty of a district and to refund those bonds, notes, or obligations, as provided in sections 67.5032 to 67.5036;

(4) Contract with public and private entities, including other parks and recreation agencies, or individuals both within and without the state and shall have the power to contract with the United States or any agency thereof in furtherance of any power or duty of the district;

(5) Lease, purchase, own, hold, control, contract, and sell any and all rights in land, buildings, improvements, and any and all other real, personal, or property that is a combination of both; provided that, real property within a county may only be purchased by a district if a majority of the board members consent to that purchase;

(6) Receive property, both real and personal, or money that has been granted, donated, devised, or bequeathed to the district;

(7) Establish a separate district account into which all local sales taxes received from the director of the department of revenue and other funds received by that district shall be deposited;

(8) Establish and collect reasonable charges for the use of the facilities of the district;

(9) Maintain an office and staff at any place or places in this state as the district may designate and conduct its business and operations as is necessary to fulfill that district's duties, pursuant to sections 67.5000 to 67.5038; and

(10) Appoint, when the district board determines it is appropriate, advisory committees to assist the district board in the exercise of the power and duties vested in the district.

67.5008. BALLOT LANGUAGE. — A question, in substantially the following form, may be submitted to the voters in each county authorized to establish a district:

"Shall there be organized in the County of, state of Missouri, a parks, trails, and greenways district for the purposes of planning, developing, supervising, improving, maintaining, and taking custody of an interconnecting system of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of that district to be known as ". . . . Parks, Trails, and Greenways District", and further shall a local sales tax of one tenth of one cent be levied and collected in County for the support of this parks, trails, and greenways district, with forty-five percent of that revenue going to the district and fifty-five percent being returned to County and the cities within the County for local park improvements?

YES NO"

67.5010. MAJORITY VOTE REQUIRED. — If a majority of the votes cast by the qualified voters voting on the question submitted pursuant to section 67.5008 voted YES, then that district shall be deemed created. However, if a majority of the qualified voters cast NO votes, that district shall not be deemed created unless and until another question of

whether to authorize the creation of a district and impose the one-tenth of one cent local sales tax is submitted to the qualified voters of that county and that question is approved by a majority of the qualified voters voting thereon.

67.5012. SALE TAX AUTHORIZED IN COUNTIES OF DISTRICT. — The governing body of any county located within a district established pursuant to sections 67.5000 to 67.5038 is authorized to impose by order, ordinance, or otherwise a one-tenth of one cent local sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding activities that are consistent with the powers and duties of a district, as set forth in section 67.5006. The tax authorized by this section shall be in addition to all other sales taxes allowed by law. The provisions of sections 32.085 and 32.087 shall apply to each local sales tax approved pursuant to sections 67.5000 to 67.5038. The question of whether to continue to impose the one-tenth of one cent local sales tax authorized under this section shall be submitted to the voters of the county every twenty-three years after the voters of that county approved the initial imposition of the tax.

67.5014. ALLOCATION OF SALES TAX. — The local sales tax authorized in section 67.5012 shall be collected and allocated in the district as follows:

(1) Forty-five percent of the local sales taxes collected as described in section 67.5012 shall be deposited by the department of revenue in the parks, trails, and greenways district fund to be administered by the board of directors of that district to pay costs associated with the planning, development, supervision, improvement, maintenance, and custody of an interconnecting system of public parks, trails, open space, greenways, and recreational facilities within the boundaries of that district. Up to five percent of the amount deposited in that parks, trails, and greenways fund shall be used for grants to local public agencies to be used for activities that are consistent with the district's powers and duties as set forth in section 67.5006. Costs for office and project administration may be up to, but shall not exceed, fifteen percent of the amount deposited in a district fund pursuant to this subdivision;

(2) Fifteen percent of the local sales taxes collected as described in section 67.5012 shall be distributed by the department of revenue to the county to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of a district; and

(3) Forty percent of the local sales taxes collected as described in section 67.5012 shall be distributed by the department of revenue to each of the cities in that county, in proportion to each city's relative local sales tax contribution, to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of a district.

67.5016. DEPARTMENT OF REVENUE TO ADMINISTER AND COLLECT TAX — DIRECTORS DUTIES. — 1. Any county levying a local sales tax under the authority of sections 67.5000 to 67.5038 shall not administer or collect the tax locally, but shall utilize the services of the state department of revenue to administer, enforce, and collect the tax. The sales tax shall be administered, enforced, and collected in the same manner and by the same procedure as other local sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. 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.

2. Upon receipt of a certified copy of a resolution from the county authorizing the levy of a local sales tax, which resolution shall state the name of the district in which that county is included, the director of the department of revenue shall cause this tax to be collected at the same time and in the same manner provided for the collection of the state sales tax. All moneys derived from this local sales tax imposed under the authority of

sections 67.5000 to 67.5038 and collected under the provisions of this section by the director of revenue shall be credited to a fund established for the district, which is hereby established in the state treasury, under the name of that district, as established. Any refund due on any local sales tax collected pursuant to section 67.5000 to 67.5038 shall be paid out of the sales tax refund fund and reimbursed by the director of revenue from the sales tax revenue collected under this section. All local sales tax revenue derived from the authority granted by sections 67.5000 to 67.5038 and collected from within any county, under this section, shall be remitted at least quarterly by the director of revenue to the district established by sections 67.5000 to 67.5038, the source county included in the district and the cities in that county, in the percentages set forth in section 67.5014.

67.5018. TREASURER'S DUTIES — REPORT REQUIRED, WHEN. — 1. The treasurer of the board of each district created shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of each district created by sections 67.5000 to 67.5038 shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be approved by the board of each district created. Upon board approval, the report shall be available for inspection.

2. The accounts of the district shall be open at any reasonable time for inspection by duly authorized representatives of the county and cities included within the jurisdictional boundaries of that district.

3. Annually, no later than one hundred twenty days after the close of each district's fiscal year, the board of each district created by sections 67.5000 to 67.5038 shall cause to be prepared a report on the operations and transactions conducted by that district during the preceding year. The report shall be an open record and shall be submitted to the governing bodies of each city and county within the jurisdictional boundaries of that district commencing the year following the year in which the district is created. The board of each district shall take those actions as are reasonably required to make this report readily available to the public.

67.5020. REVENUES FROM TAX NOT TO BE ALLOCATED TO SPECIAL FUND BY MUNICIPALITIES. — Notwithstanding the provisions of section 99.845 to the contrary, the revenues from the local sales taxes imposed under the authority set forth in section 67.5012 shall not be allocated to and paid by the state department of revenue to any special allocation fund established by any municipality under sections 99.800 to 99.865.

67.5022. BOARD OF DIRECTORS, APPOINTMENT, TERMS, REMOVAL. — 1. When a district is created pursuant to sections 67.5000 to 67.5038, the district shall be governed by a board of directors. The presiding commissioner or elected county executive of the county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall appoint one member of the district's board of directors chosen from the residents of that county. The mayor of the largest city in that county shall appoint two persons from the residents of that city in that county, and the mayors of the next five most populous cities in the county shall, on a rotating basis and in accordance with subsection 2 of this section, appoint four persons from the residents of those respective cities in that county to serve on the board.

2. The mayors of the second through sixth most populous cities in that county, as determined by the most recent decennial census, shall appoint the board members from the residents of those cities in the county by December 15 of each year. Representation on the board from these second through sixth most populous cities shall be on a rotating basis, as follows. In the initial year:

(1) The second most populous city shall be represented on the board, and that member shall serve for a term of one year;

(2) The third most populous city shall be represented on the board, and that member shall serve for a term of two years;

(3) The fourth most populous city shall be represented on the board, and that member shall serve for a term of three years;

(4) The fifth most populous city shall be represented on the board, and that member shall serve for a term of four years; and

(5) The sixth most populous city shall not be represented on the board.

In the second year, the sixth most populous city shall be represented on the board, and the member shall serve for a term of four years. In that second year, the second most populous city shall have no representation on the board. Membership on the board shall rotate in this manner every year thereafter, with each of the second through sixth most populous cities not being represented on the board, in this alternating basis, one of every succeeding four years.

3. The board members appointed to a district shall hold office for four-year terms; provided that, initial terms of the representative of the second through the sixth most populous cities in the county shall be of the staggered lengths as set forth in subsection 2 of this section. On the expiration of the initial terms of appointment and on the expiration of any subsequent term, the resulting vacancies shall be filled by the chief elected official of each of the represented cities and the county. All vacancies on the board shall be filled in the same manner for the duration of the term being filled. Board members shall serve until their successors are named and the successors have commenced their terms as board members. Board members shall be eligible for reappointment.

4. The chief elected official of each city or county that has membership on the board of a district may replace a board member representing that elected official's city or county at any time, in that elected official's sole discretion. Upon this removal, the chief elected official shall appoint another individual to represent that city or county on the board of directors of the district.

67.5024. ORGANIZATIONAL MEETING — ADOPTION OF BYLAWS, RULES, AND REGULATIONS. — Promptly after their appointment, the initial board members of a district created pursuant to sections 67.5000 to 67.5038 shall hold an organizational meeting at which they shall elect a president, secretary, treasurer, and any other officers from among their number as they may deem necessary. The members shall make and adopt bylaws, rules, and regulations for their guidance, as may be expedient and not inconsistent with sections 67.5000 to 67.5038.

67.5026. QUALIFICATIONS OF BOARD MEMBERS. — Board members shall be citizens of the United States and shall reside within the county or city, as the case may be, from which they are appointed. No board member shall receive compensation for performance of duties as a board member. No board member shall be financially interested directly or indirectly in any contract entered into pursuant to sections 67.5000 to 67.5038.

67.5028. ALTERATIONS OF PUBLIC HIGHWAYS, STREETS, OR ROADS THROUGH PARKS, TRAILS, OR GREENWAYS — AGREEMENTS PERMITTED. — When a public highway, street, or road extends into or through a public trail, trail area, greenway, or park area of a district, or when a public highway, street, or road forms all or part of a suitable connection between two or more public trails, trail areas, or park areas within a district, and it is advisable by the board to make alterations in the route or width of the highway or to grade, drain, pave, or otherwise improve the highway, the board may enter into agreements, consistent with the purposes of that district, with the public authorities in control of the portion of the highway, street, or road that lies within any, or forms any

part of, a connecting link to and between any, public trail, trail area, or park area of a district. Any agreement with any such public authority shall follow the procedure authorized by law for dealing with that authority, and any agreement shall provide for the payment by the board of an agreed-upon portion of the costs of that agreement. This section shall not alter the legal status of that highway, street, or road in any way.

67.5030. EMINENT DOMAIN AUTHORITY, DISTRICT NOT AUTHORIZED TO EXERCISE. — No district created pursuant to sections 67.5000 to 67.5038 shall be authorized to exercise the power of eminent domain.

67.5032. ISSUANCE OF BONDS, REQUIREMENTS. — 1. Bonds of a district authorized by sections 67.5000 to 67.5038 shall be issued pursuant to a resolution adopted by the board of directors of that district, which resolution shall set out the estimated cost to that district of the proposed improvements, and shall further set out the amount of bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment, and all other details in connection with those bonds. These bonds may be subject to provision for redemption prior to maturity, with or without premium, and at the times and upon the conditions as may be provided by the resolution.

2. Notwithstanding the provisions of section 108.170, these bonds shall bear interest at rate or rates determined by the issuing district and shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount of the bonds to be issued. Bonds issued by a district shall possess all of the qualities of negotiable instruments pursuant to the laws of this state.

3. These bonds may be payable to bearer, may be registered or coupon bonds and, if payable to bearer, may contain any registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing those bonds, which resolution may also provide for the exchange of registered and coupon bonds. These bonds and any coupons attached thereto shall be signed in the manner and by the officers of the district as may be provided by the resolution authorizing the bonds. A district may provide for the replacement of any bond that has become mutilated, destroyed, or lost.

4. Bonds issued by a district shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the issuing district's parks, trails, and greenways fund, including revenues derived from local sales taxes and any other monies held by that district. Neither the board members nor any person executing the bonds shall be personally liable on those bonds by reason of the issuance of those bonds. Bonds issued pursuant to this section or section 67.5034 shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any of these obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets held by the issuing district. The issuance of bonds pursuant to this section or section 67.5034 shall not directly, indirectly or contingently obligate this state or any political subdivision of this state, other than the district issuing the bonds, to levy any form of taxation for those bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section or section 67.5034 shall contain, on its face, a statement to the effect that the issuing district shall not be obligated to pay those bonds nor the interest on those bonds, except from the revenues received by the issuing district or assets of that district lawfully pledged for that district, and that neither the good faith and credit nor the taxing power of this state or of any political subdivision of this state, other than the issuing district, is pledged to the payment of the principal of or the interest on that obligation or bond. The proceeds of these bonds shall be disbursed in the manner and pursuant to the restrictions the district may provide in the resolution authorizing the issuance of those bonds.

67.5034. NEGOTIABLE REFUNDING BONDS PERMITTED, LIMITATIONS. — 1. A district may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of any bonds of a district then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities to be acquired, leased or subleased by that district, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest on those bonds to the date of that refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of any refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

2. In the event that any of the board members or officers of a district whose signatures appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of those bonds, those signatures shall remain valid and sufficient for all purposes, the same as if that board member or officer had remained in office until the delivery of those bonds.

67.5036. PUBLIC FUNCTION, BOARD DECLARED PERFORMING — EXEMPTION FROM TAXATION BY THIS STATE. — Each district is hereby declared to be performing a public function and bonds of a district are declared to be issued for an essential public and governmental purpose and, accordingly, interest on those bonds and income from those bonds shall be exempt from income taxation by this state.

67.5038. PURCHASES IN EXCESS OF \$10,000 BY LOWEST AND BEST BID STANDARD. — All purchases by a district in excess of ten thousand dollars used in the construction or maintenance of any public recreational facility, trail, park, or greenway in that district shall be made pursuant to the lowest and best bid standard as provided in section 34.040 or pursuant to the lowest and best proposal standard as provided in section 34.042. The board of any district shall have the same discretion, powers and duties as granted to the commissioner of administration by sections 34.040 and 34.042.

71.625. LICENSE TAX, PAYMENT, WHEN DEEMED TIMELY — MUNICIPAL CORPORATIONS, INTEREST AND PENALTIES ON DELINQUENCIES TO APPLY. — 1. The timely payment of a license tax due to any municipal corporation in this state, or any county pursuant to section 66.300, which is delivered by United States mail to the municipality or county office designated by such municipality or county office to receive such payments, 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 tax due is sent by registered or certified mail, the date of the registration or certification shall be deemed the postmark date. No additional tax, penalty or interest shall be imposed by any municipality or county 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 on or before the prescribed date, including any extension granted, for making the payment. When the last day for making any license tax payment, including extensions, falls on a Saturday, a Sunday, or a legal holiday in this state, the payment shall be considered timely if the payment is made on the next succeeding day which is not a Saturday, Sunday or legal holiday.

2. Except as otherwise provided by law, the interest provisions of section 144.170 and penalty provisions of section 144.250 relating to delinquent sales taxes shall apply to delinquent taxes due as a result of the imposition of a license tax by any municipal corporation. The limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.510.

92.338. PROVISIONS, EXEMPTIONS AND CONFIDENTIALITY OF STATE SALES TAX TO APPLY — EXEMPTION CERTIFICATES, FORM — COLLECTION OF TAX, DEDUCTION ALLOWED FOR COLLECTION — REFUNDS AND PENALTIES. — 1. All applicable provisions contained in sections 144.010 to 144.510 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by sections 92.325 to 92.340, except as modified in sections 92.325 to 92.340.

2. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and collection of the tax imposed by sections 92.325 to 92.340. **Notwithstanding the provisions of this subsection, the governing body of any city that imposes a convention and tourism tax pursuant to sections 92.325 to 92.340 may pass an ordinance and seek voter approval to collect the tax from certain transient guests who are otherwise exempt under this subsection. Such proposition shall be submitted to the voters at a citywide general or primary election or at a special election called for that purpose. It shall be submitted in a form set by the governing body.**

3. **Except as provided in subsection 2 of this section,** the same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510 for the administration and collection of the state sales tax shall satisfy the requirements of sections 92.325 to 92.340, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 92.325 to 92.340.

4. The person, firm or corporation subject to any tax imposed pursuant to sections 92.325 to 92.340 shall collect the tax from the transient guests and patrons of the food establishment and each such transient guest and patron of the food establishment shall pay the amount of the tax due to the person, firm or corporation required to collect the tax. The city shall permit the person required to remit the tax to deduct and retain an amount equal to two percent of the taxes collected. The city governing body may either require the license collector of the city to collect the tax imposed by sections 92.325 to 92.340 or may enter into an agreement with the director of revenue to have the director collect such tax on behalf of the city. In the event such an agreement is entered into, the director of revenue shall perform all functions incident to the collection, enforcement and operation of such tax, and the director shall collect the tax on behalf of the city and shall transfer the funds collected to the city license collector, except for an amount not less than one percent nor more than three percent, which shall be retained by the director for costs of collection. If the director of revenue is to collect such tax, the tax shall be collected and reported upon such forms and under such administrative rules and regulations as the director may prescribe. All refunds and penalties as provided in sections 144.010 to 144.525 are hereby made applicable to violations of sections 92.325 to 92.340.

144.190. REFUND OF OVERPAYMENTS — CLAIM FOR REFUND — TIME FOR MAKING CLAIMS — PAID TO WHOM — DIRECT PAY AGREEMENT FOR CERTAIN PURCHASERS — SPECIAL RULES FOR ERROR CORRECTIONS — REFUND NOT ALLOWED, WHEN — TAXES PAID MORE THAN ONCE, EFFECT OF. — 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, shall be refunded to

the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. **Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:**

(1) A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller's return to reflect the refund; or

(2) In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser's written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller.

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

5. **Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after**

August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

6. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

[5.] 7. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

[6.] 8. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied pursuant to sections 144.010 to 144.525 has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if an additional refund claim is filed due to any of the following:

(1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;

(2) A decision of a court of competent jurisdiction or the administrative hearing commission; or

(3) Changes in regulations or policy by the department of revenue.

[7.] 9. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director of revenue shall be barred

from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

[8.] 10. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.

144.805. AVIATION JET FUEL SOLD TO COMMON CARRIERS IN INTERSTATE TRANSPORTING OR STORAGE EXEMPT FROM ALL SALES AND USE TAX, WHEN — QUALIFICATION, PROCEDURE — COMMON CARRIER TO MAKE DIRECT PAYMENT TO REVENUE — TAX REVENUES TO BE DEPOSITED IN AVIATION TRUST FUND — EXPIRES WHEN.

— 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to [144.748] **144.746**, and section 238.235, and the provisions of any local sales tax law, as defined in section 32.085, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to [144.748] **144.746**, and section 238.235, and the provisions of any local sales tax law, as defined in section 32.085, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year.

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. All sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701 for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 155.090; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed ten million dollars in each calendar year.

5. The provisions of this section and section 144.807 shall expire on December 31, [2013] **2023**.

182.802. PUBLIC LIBRARIES, SALES TAX AUTHORIZED — BALLOT LANGUAGE — DEFINITIONS (BUTLER, DUNKLIN, NEW MADRID, PEMISCOT, RIPLEY, STODDARD, AND

WAYNE COUNTIES) — 1. [A] (1) Any public library district located in any of the following counties may impose a tax as provided in this section:

(a) At least partially within any county of the third classification without a township form of government and with more than forty thousand eight hundred but fewer than forty thousand nine hundred inhabitants;

(b) Any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants;

(c) Any county of the third classification without a township form of government and with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred inhabitants;

(d) Any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants;

(e) Any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants; [or]

(f) Any county of the third classification with a township form of government and with more than thirty-three thousand one hundred but fewer than thirty-three thousand two hundred inhabitants;

(g) Any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat.

(2) Any public library district listed in subdivision (1) of this subsection may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of public libraries within the boundaries of such library district. The tax authorized by this subsection shall be in addition to all other taxes allowed by law. No tax under this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

2. In the event the district seeks to impose a sales tax under this subsection, the question shall be submitted in substantially the following form:

Shall a cent sales tax be levied on all retail sales within the district for the purpose of providing funding for library district?

YES NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 and 32.087 shall apply to any tax approved under this subsection.

3. As used in this section, "qualified voters" or "voters" means any individuals residing within the district who are eligible to be registered voters and who have registered to vote under chapter 115, or, if no individuals are eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

4. For purposes of this section the term "public library district" shall mean any city library district, county library district, city-county library district, municipal library district, consolidated library district, or urban library district.

Approved July 10, 2012

HB 1525 [SCS HCS HB 1525]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes the Sentencing and Corrections Oversight Commission and changes the laws regarding criminal offenders under the supervision of the Department of Corrections

AN ACT to repeal sections 221.105, 559.016, 559.036, 559.100, and 559.115, RSMo, and to enact in lieu thereof eight new sections relating to criminal offenders under the supervision of the department of corrections, with penalty provisions.

SECTION

- A. Enacting clause.
 217.147. Sentencing and corrections oversight commission, members, terms, duties, report, expiration date.
 217.703. Earned compliance credits awarded, when.
 217.718. Alternative to revocation proceedings, period of detention, requirements.
 221.105. Boarding of prisoners — amount expended, how fixed, how paid, limit.
 559.016. Terms of probation — extension.
 559.036. Duration of probation — revocation.
 559.100. Circuit courts, power to place on probation or parole — revocation — conditions — restitution.
 559.115. Appeals, probation not to be granted, when — probation granted after delivery to department of corrections, time limitation, assessment — one hundred twenty day program — notification to state, when, hearing — no probation in certain cases.

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

SECTION A. ENACTING CLAUSE. — Sections 221.105, 559.016, 559.036, 559.100, and 559.115, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 217.147, 217.703, 217.718, 221.105, 559.016, 559.036, 559.100, and 559.115, to read as follows:

217.147. SENTENCING AND CORRECTIONS OVERSIGHT COMMISSION, MEMBERS, TERMS, DUTIES, REPORT, EXPIRATION DATE. — **1. There is hereby created the "Sentencing and Corrections Oversight Commission". The commission shall be composed of thirteen members as follows:**

(1) A circuit court judge to be appointed by the chief justice of the Missouri supreme court;

(2) Three members to be appointed by the governor with the advice and consent of the senate, one of whom shall be a victim's advocate, one of whom shall be a representative from the Missouri Sheriffs' Association, and one of whom shall be a representative of the Missouri Association of Counties;

(3) The following shall be ex officio, voting members:

(a) The chair of the senate judiciary committee, or any successor committee that reviews legislation involving crime and criminal procedure, who shall serve as co-chair of the commission and the ranking minority member of such senate committee;

(b) The chair of the appropriations-public safety and corrections committee of the house of representatives, or any successor committee that reviews similar legislation, who shall serve as co-chair and the ranking minority member of such house committee;

(c) The director of the Missouri state public defender system, or his or her designee who is a practicing public defender;

(d) The executive director of the Missouri office of prosecution services, or his or her designee who is a practicing prosecutor;

(e) The director of the department of corrections, or his or her designee;

(f) The chairman of the board of probation and parole, or his or her designee;

(g) The chief justice of the Missouri supreme court, or his or her designee.

2. Beginning with the appointments made after August 28, 2012, the circuit court judge member shall be appointed for four years, two of the members appointed by the governor shall be appointed for three years, and one member appointed by the governor shall be appointed for two years. Thereafter, the members shall be appointed to serve four-year terms and shall serve until a successor is appointed. A vacancy in the office of a member shall be filled by appointment for the remainder of the unexpired term.

3. The co-chairs are responsible for establishing and enforcing attendance and voting rules, bylaws, and the frequency, location, and time of meetings, and distributing meeting notices, except that the commission's first meeting shall occur by February 28, 2013, and the commission shall meet at least twice each calendar year.

4. The duties of the commission shall include:

(1) Monitoring and assisting the implementation of sections 217.703, 217.718, and subsection 4 of section 559.036, and evaluating recidivism reductions, cost savings, and other effects resulting from the implementation;

(2) Determining ways to reinvest any cost savings to pay for the continued implementation of the sections listed in subdivision (1) of this subsection and other evidence-based practices for reducing recidivism; and

(3) Examining the issue of restitution for crime victims, including the amount ordered and collected annually, methods and costs of collection, and restitution's order of priority in official procedures and documents.

5. The department, board, and office of state court administrator shall collect and report any data requested by the commission in a timely fashion.

6. The commission shall issue a report to the speaker of the house of representatives, senate president pro tempore, chief justice of the Missouri supreme court, and governor on December 31, 2013, and annually thereafter, detailing the effects of the sections listed in subdivision (1) of subsection 4 and providing the data and analysis demonstrating those effects. The report may also recommend ways to reinvest any cost savings into evidence-based practices to reduce recidivism and possible changes to sentencing and corrections policies and statutes.

7. The department of corrections shall provide administrative support to the commission to carry out the duties of this section.

8. No member shall receive any compensation for the performance of official duties, but the members who are not otherwise reimbursed by their agency shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties.

9. The provisions of this section shall automatically expire on August 28, 2018.

217.703. EARNED COMPLIANCE CREDITS AWARDED, WHEN. — 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter 195 or for a class C or D felony, excluding the offenses of aggravated stalking, sexual assault, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1

of section 565.060, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of privacy, and abuse of a child;

(3) Supervised by the board; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) Involuntary manslaughter in the first degree;

(2) Involuntary manslaughter in the second degree;

(3) Assault in the second degree except under subdivision (2) of subsection 1 of section 565.060;

(4) Domestic assault in the second degree;

(5) Assault of a law enforcement officer in the second degree;

(6) Statutory rape in the second degree;

(7) Statutory sodomy in the second degree;

(8) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or

(9) Any case in which the defendant is found guilty of a felony offense under chapter 571,

the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report has been submitted or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. All earned credits shall be rescinded if the court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036. Earned credits shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed at least two years of his or her probation or parole, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for post-conviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.

217.718. ALTERNATIVE TO REVOCATION PROCEEDINGS, PERIOD OF DETENTION, REQUIREMENTS. — 1. As an alternative to the revocation proceedings provided under sections 217.720, 217.722, and 559.036, and if the court has not otherwise required detention to be a condition of probation under section 559.026, a probation or parole officer may order an offender to submit to a period of detention in the county jail, or other appropriate institution, upon a determination by a probation or parole officer that the offender has violated a condition of continued probation or parole.

2. The period of detention may not exceed forty-eight hours the first time it is imposed against an offender during a term of probation or parole. Subsequent periods may exceed forty-eight hours, but the total number of hours an offender spends in detention under this section shall not exceed three hundred and sixty in any calendar year.

3. The officer shall present the offender with a written report detailing in what manner the offender has violated the conditions of parole, probation, or conditional release and advise the offender of the right to a hearing before the court or board prior to the period of detention. The division shall file a copy of the violation report with the sentencing court or board after the imposition of the period of detention and within a reasonable period of time that is consistent with existing division procedures.

4. Any offender detained under this section in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all the provisions of section 221.170, even though the offender was not convicted and sentenced to a jail or workhouse.

5. If parole, probation, or conditional release is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, half-way house, honor center, workhouse, or other institution as a detention condition of parole, probation, or conditional release shall be credited against the prison or jail term served for the offense in connection with which the detention was imposed.

6. The division shall reimburse the county jail or other institution for the costs of detention under this section at a rate determined by the department of corrections, which

shall be at least thirty dollars per day per offender and subject to appropriation of funds by the general assembly. Prior to ordering the offender to submit to the period of detention under subsection 1 of this section, the probation and parole officer shall certify to the county jail or institution that the division has sufficient funds to provide reimbursement for the costs of the period of detention. A jail or other institution may refuse to detain an offender under this section if funds are not available to provide reimbursement or if there is inadequate space in the facility for the offender.

7. Upon successful completion of the period of detention under this section, the court or board may not revoke the term of parole, probation, or conditional release or impose additional periods of detention for the same incident unless new or additional information is discovered that was unknown to the division when the period of detention was imposed and indicates that the offender was involved in the commission of a crime. If the offender fails to complete the period of detention or new or additional information is discovered that the incident involved a crime, the offender may be arrested under sections 217.720 and 217.722.

221.105. BOARDING OF PRISONERS — AMOUNT EXPENDED, HOW FIXED, HOW PAID, LIMIT. — 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. **Except as provided under subsection 6 of section 217.718**, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

- (1) Until July 1, 1996, seventeen dollars per day per prisoner;
- (2) On and after July 1, 1996, twenty dollars per day per prisoner;

(3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations, but not less than the amount appropriated in the previous fiscal year.

559.016. TERMS OF PROBATION — EXTENSION. — 1. Unless terminated as provided in section 559.036 or modified under section 217.703, the terms during which each probation shall remain conditional and be subject to revocation are:

- (1) A term of years not less than one year and not to exceed five years for a felony;
- (2) A term not less than six months and not to exceed two years for a misdemeanor;
- (3) A term not less than six months and not to exceed one year for an infraction.

2. The court shall designate a specific term of probation at the time of sentencing or at the time of suspension of imposition of sentence. **Such term may be modified by the division of probation and parole under section 217.703.**

3. The court may extend a period of probation, however, no more than one extension of any probation may be ordered except that the court may extend the total time on probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of his or her probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension, shall not exceed the maximum term as established in subsection 1 of this section plus one additional year if the defendant admits or the court finds that the defendant has violated the conditions of his or her probation.

559.036. DURATION OF PROBATION — REVOCATION. — 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period, unless otherwise specified by the Missouri court.

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. Procedures for termination, discharge and extension may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him on the existing conditions, with or without modifying or enlarging the conditions or extending the term], or, if such].

4. (1) If a continuation, modification, enlargement or extension is not appropriate[,] under this section, the court shall order placement of the offender in one of the department of corrections' one hundred twenty-day programs so long as:

(a) **The underlying offense for the probation is a class C or D felony or an offense listed in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the first degree, involuntary manslaughter in the second degree, aggravated stalking, assault in the second degree, sexual assault, domestic assault in the second degree, assault of a law enforcement officer in the second degree, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section**

568.045, abuse of a child, invasion of privacy or any case in which the defendant is found guilty of a felony offense under chapter 571;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in the appropriate one hundred twenty-day program under subsection 3 of section 559.115.

(3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

[4.] 6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether he violated a condition of probation and, if he did, whether revocation is warranted under all the circumstances.

[5.] 7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated.

[6.] 8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

559.100. CIRCUIT COURTS, POWER TO PLACE ON PROBATION OR PAROLE — REVOCATION—CONDITIONS—RESTITUTION. — 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in sections 195.275 to 195.296, section 558.018, section 559.115, section 565.020, sections 566.030, 566.060, 566.067, 566.151, and 566.213, section 571.015, and subsection 3 of section 589.425.

2. The circuit court shall have the power to revoke the probation or parole previously granted **under section 559.036** and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his crime. The probation or parole may be revoked **under section 559.036** for failure to pay restitution or for failure to conform his behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence.

559.115. APPEALS, PROBATION NOT TO BE GRANTED, WHEN — PROBATION GRANTED AFTER DELIVERY TO DEPARTMENT OF CORRECTIONS, TIME LIMITATION, ASSESSMENT — ONE HUNDRED TWENTY DAY PROGRAM—NOTIFICATION TO STATE, WHEN, HEARING—NO PROBATION IN CERTAIN CASES. — 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 5 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program **under this section or order such placement under subsection 4 of section 559.036**. Upon the recommendation or order of the court, the department of corrections shall [determine the offender's eligibility for the program, the nature, intensity, and duration of any offender's participation in a program and the availability of space for an offender in any program] **assess each offender to determine the appropriate program in which to place the offender, including shock incarceration or institutional treatment**. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a treatment program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety

to one hundred twenty days of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from the department of corrections a report on the offender's participation in the program and department recommendations for terms and conditions of an offender's probation. The court shall then release the offender on probation or order the offender to remain in the department to serve the sentence imposed.

4. If the department of corrections one hundred twenty-day program is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 558.018, the court shall request that the offender be placed in the sexual offender assessment unit of the department of corrections if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration for one hundred twenty days for participation in a department of corrections program prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030; forcible sodomy pursuant to section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an offender who has been found to be a predatory sexual offender pursuant to section 558.018; or any offense in which there exists a statutory prohibition against either probation or parole.

Approved July 6, 2012

HB 1527 [HCS HB 1527]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding property exempt from attachment

AN ACT to repeal sections 513.430 and 513.440, RSMo, and to enact in lieu thereof two new sections relating to property exempt from attachment.

SECTION

- A. Enacting clause.
 - 513.430. Property exempt from attachment — benefits from certain employee plans, exception — bankruptcy proceeding, fraudulent transfers, exception — construction of section.
 - 513.440. Other property exempt — provisions — exceptions.
-

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

SECTION A. ENACTING CLAUSE. — Sections 513.430 and 513.440, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 513.430 and 513.440, to read as follows:

513.430. PROPERTY EXEMPT FROM ATTACHMENT — BENEFITS FROM CERTAIN EMPLOYEE PLANS, EXCEPTION — BANKRUPTCY PROCEEDING, FRAUDULENT TRANSFERS, EXCEPTION — CONSTRUCTION OF SECTION. — 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor [vehicle in the aggregate] **vehicles**, not to exceed three thousand dollars in value **in the aggregate**;

(6) Any mobile home used as the principal residence but not [on or] attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmaturred life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmaturred life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a [local] public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred

compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

- a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;
- b. Such payment is on account of age or length of service; and
- c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan or profit-sharing plan that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in [section 456.630] **subsection 2 of section 428.024** and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

513.440. OTHER PROPERTY EXEMPT — PROVISIONS — EXCEPTIONS. — Each head of a family may select and hold, exempt from execution, any other property, real, personal or mixed, or debts and wages, not exceeding in value the amount of one thousand two hundred fifty dollars plus three hundred fifty dollars for each of such person's unmarried dependent children under the age of [eighteen] **twenty-one** years or dependent as defined by the Internal Revenue Code of 1986, as amended, determined to be disabled by the Social Security Administration, except ten percent of any debt, income, salary or wages due such head of a family.

Approved July 9, 2012

HB 1540 [HB 1540]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding workers' compensation

AN ACT to repeal sections 287.120, 287.450, 287.460, 287.520, 287.650, and 287.655, RSMo, and to enact in lieu thereof six new sections relating to workers' compensation.

SECTION

- A. Enacting clause.
- 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.
- 287.450. Failure to agree on compensation — division to hold hearings.
- 287.460. Division hearings, findings sent to parties and insurer — mediation services, division to establish procedures, requirements.
- 287.520. Notice — manner of serving.
- 287.650. Division to make rules and regulations — power to destroy reports, when — rules.
- 287.655. Dismissal of claims, when, how, effect.

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

SECTION A. ENACTING CLAUSE. — Sections 287.120, 287.450, 287.460, 287.520, 287.650, and 287.655, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 287.120, 287.450, 287.460, 287.520, 287.650, and 287.655, to read as follows:

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 arising out of and in the course of the employee's employment[, and]. **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, parents, personal representatives, dependents, heirs or next kin, at common law or otherwise, on account of such [accidental] injury or death, 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.

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.

287.450. FAILURE TO AGREE ON COMPENSATION — DIVISION TO HOLD HEARINGS. —

If the employer and employee or his dependents do not agree in regard to compensation payable under this chapter, either party may make application in a manner determined by the division for a hearing in regard to the matters at issue and for a ruling thereon, except that no application for a hearing shall be considered until fourteen days after the receipt by the division of the report

of accident required under section 287.380. The fourteen-day waiting period is not applicable to applications for hardship hearings. After the application has been received, the division shall set a date for a hearing, which shall be held as soon as practicable, and shall notify the interested parties of the time and place of the hearing.

287.460. DIVISION HEARINGS, FINDINGS SENT TO PARTIES AND INSURER — MEDIATION SERVICES, DIVISION TO ESTABLISH PROCEDURES, REQUIREMENTS. — 1. The division, through an administrative law judge, shall hear in a summary proceeding the parties at issue and their representatives and witnesses and shall determine the dispute by issuing the written award within ninety days of the last day of the hearing. The hearing shall be concluded within thirty days of the date of commencement of the hearing, except in extraordinary circumstances where a lengthy trial or complex issues necessitate a longer time than ninety days. All evidence introduced at any such hearings shall be reported by a competent reporter appointed by the division or be recorded by electronic means. The award, together with a statement of the findings of fact, rulings of law and any other matters pertinent to the question at issue, shall be filed with the record of proceedings, and a copy of the award shall immediately be sent by **electronic means or in the case of an unrepresented employee, by United States mail**, to the parties in dispute and the employer's insurer.

2. The division of workers' compensation shall develop by rule procedures whereby mediation services are provided to the parties in a claim for workers' compensation benefits whereby claims may be mediated by the parties at a prehearing conference when the division determines that a claim may be settled or upon application for a mediation settlement conference filed by either party.

3. The division may require the parties to produce at the mediation conference all available medical records and reports. Such mediation conference shall be informal to ascertain the issues and attempt to resolve the claim or other pending issues. Such mediation conference may be set at any time prior to the commencement of the evidentiary hearing and nothing in this section shall be interpreted to delay the setting of the matter for hearing. Upon the request of any party, a person providing mediation settlement services shall be disqualified from conducting any evidentiary hearing relating to the claim without limiting the rights conferred by section 287.810.

287.520. NOTICE — MANNER OF SERVING. — 1. Any notice required under this chapter shall be deemed to have been properly given and served when sent by registered or certified mail properly stamped and addressed to the person or entity to whom given, at the last known address in time to reach the person or entity in due time to act thereon, or to counsel for that person or entity in like manner. Notice may also be given and served in like manner as summons in civil actions.

2. Notwithstanding the provisions of subsection 1 of this section, the division may serve or send any notices required under this chapter by electronic means, except that any notices required to be sent to an employee not represented by counsel shall be sent by registered or certified mail to the last known address of the employee unless the employee consents to receive notices by electronic means. In the event the employee is represented by counsel and counsel is sent proper notice under this chapter, notice to the employee may be sent by regular mail.

287.650. DIVISION TO MAKE RULES AND REGULATIONS — POWER TO DESTROY REPORTS, WHEN — RULES. — 1. The division of workers' compensation shall have such powers as may be necessary to carry out all the provisions of this chapter **including the use of electronic processes**, and it may make such rules and regulations as may be necessary for any such purpose, subject to the approval of the labor and industrial relations commission of

Missouri. The division shall have power to strike pleadings and enter awards against any party or parties who fail or refuse to comply with its lawful orders.

2. (1) The division shall have the power upon the expiration of five years after their receipt to destroy reports of injuries on which no compensation (exclusive of medical costs) was due or paid, together with the papers attendant to the filing of such reports, and also to destroy records in compensable cases after the expiration of ten years from the date of the termination of compensation.

(2) Records in cases that are submitted for hearing in the division shall include all documentary exhibits admitted as evidence at the hearing. Records in all other cases shall include all documents required to be filed with the division by this chapter or by rule of the division, medical reports or records which are relied upon by the administrative law judge or legal advisor in approving the compromise lump sum settlement, and copies of the compromise lump sum settlement. These records shall be kept and stored by the division for a minimum of ten years and shall include the originals or duplicate originals stored by electronic or other means approved by the division.

3. 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.

287.655. DISMISSAL OF CLAIMS, WHEN, HOW, EFFECT. — Any claim before the division may be dismissed for failure to prosecute in accordance with rules and regulations promulgated by the commission. **Such notice shall be made in a manner determined by the division,** except **that for the employee** such notice [need not] **shall** be by certified or registered mail [if] **unless** the [person or entity] **employee** to whom notice is directed is represented by counsel and counsel is also given such notice [at counsel's last known address]. To dismiss a claim the administrative law judge shall enter an order of dismissal which shall be deemed an award and subject to review and appeal in the same manner as provided for other awards in this chapter.

Approved July 10, 2012

HB 1549 [HCS HB 1549]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the state's No-call List by allowing a person to place his or her cell phone number on the list and prohibiting telemarketers from sending specified communications

AN ACT to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof five new sections relating to the no-call list.

SECTION

- A. Enacting clause.
- 407.1095. Definitions.
- 407.1098. Telephone solicitation of member on no-call list prohibited.
- 407.1101. Attorney general to create no-call list database — rules — inclusion of national database — database not a public record — no cost to subscribers.
- 407.1104. Caller identification service, telephone solicitor not to interfere with subscriber's use of service.
- 407.1107. Penalties, attorney general to enforce — civil, criminal, injunctive relief — private actions — defenses — statute of limitations.

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

SECTION A. ENACTING CLAUSE. — Sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, to read as follows:

407.1095. DEFINITIONS. — As used in sections 407.1095 to 407.1110, the following words and phrases mean:

(1) "Caller identification service", a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls;

(2) "Residential subscriber", a person who, **for primarily personal and familial use**, has subscribed to residential telephone service [from a local exchange company] , **wireless service or similar service**, or the other persons living or residing with such person;

(3) "Telephone solicitation", any voice [communication over a telephone line from a live operator, through the use of ADAD equipment or by other means] , **facsimile, short messaging service (SMS), or multimedia messaging service (MMS)**, for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services, but does not include communications:

(a) To any residential subscriber with that subscriber's prior express invitation or permission;

(b) By or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past one hundred eighty days or a current business or personal relationship;

(c) By or on behalf of an entity organized pursuant to Chapter 501(c)(3) of the United States Internal Revenue Code, while such entity is engaged in fund-raising to support the charitable purpose for which the entity was established provided that a bona fide member of such exempt organization makes the voice communication;

(d) By or on behalf of any entity over which a federal agency has regulatory authority to the extent that:

a. Subject to such authority, the entity is required to maintain a license, permit or certificate to sell or provide the merchandise being offered through telemarketing; and

b. The entity is required by law or rule to develop and maintain a no-call list;

(e) By a natural person responding to a referral, or working from his or her primary residence, or a person licensed by the state of Missouri to carry out a trade, occupation or profession who is setting or attempting to set an appointment for actions relating to that licensed trade, occupation or profession within the state or counties contiguous to the state.

407.1098. TELEPHONE SOLICITATION OF MEMBER ON NO-CALL LIST PROHIBITED. — [1.] No person or entity shall make or cause to be made any telephone solicitation to [the telephone line of] any residential subscriber in this state who has given notice to the attorney general, in accordance with rules promulgated pursuant to section 407.1101 of such subscriber's objection to receiving telephone solicitations.

[2. This section shall take effect on July 1, 2001.]

407.1101. ATTORNEY GENERAL TO CREATE NO-CALL LIST DATABASE — RULES — INCLUSION OF NATIONAL DATABASE — DATABASE NOT A PUBLIC RECORD — NO COST TO SUBSCRIBERS. — 1. The attorney general shall establish and provide for the operation of a database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations. [The attorney general shall have such database in operation no later than July 1, 2001.] **Such list is not intended to include any telephone number primarily used for business or commercial purposes.**

2. [No later than January 1, 2001,] The attorney general shall promulgate rules and regulations governing the establishment of a state no-call database as he or she deems necessary and appropriate to fully implement the provisions of sections 407.1095 to 407.1110. The rules and regulations shall include those which:

(1) Specify the methods by which each residential subscriber may give notice to the attorney general or its contractor of his or her objection to receiving such solicitations or revocation of such notice. There shall be no cost to the subscriber for joining the database;

(2) Specify the length of time for which a notice of objection shall be effective and the effect of a change of telephone number on such notice;

(3) Specify the methods by which such objections and revocations shall be collected and added to the database;

(4) Specify the methods by which any person or entity desiring to make telephone solicitations will obtain access to the database as required to avoid calling the telephone numbers of residential subscribers included in the database, including the cost assessed to that person or entity for access to the database;

(5) Specify such other matters relating to the database that the attorney general deems desirable.

3. If the Federal Communications Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations pursuant to 47 U.S.C., Section 227(c)(3), the attorney general shall include that part of such single national database that relates to Missouri in the database established pursuant to this section.

4. Information contained in the database established pursuant to this section shall be used only for the purpose of compliance with section 407.1098 and this section or in a proceeding or action pursuant to section 407.1107. Such information shall not be considered a public record pursuant to chapter 610.

5. In April, July, October and January of each year, the attorney general shall be encouraged to obtain subscription listings of [consumers] **residential subscribers** in this state who have arranged to be included on any national do-not-call list and add those [names] **telephone numbers** to the state do-not-call list.

6. The attorney general may utilize moneys appropriated from general revenue and moneys appropriated from the merchandising practices revolving fund established in section 407.140 for the purposes of establishing and operating the state no-call database.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 407.1095 to 407.1110 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, 2000, shall be invalid and void.

407.1104. CALLER IDENTIFICATION SERVICE, TELEPHONE SOLICITOR NOT TO INTERFERE WITH SUBSCRIBER'S USE OF SERVICE. — 1. Any person or entity who makes a telephone solicitation to [the telephone line of] any residential subscriber in this state shall, at the beginning of such [call] **solicitation**, state clearly the identity of the person or entity initiating the [call] **solicitation**.

2. No person or entity who makes a telephone solicitation to [the telephone line of] a residential subscriber in this state shall knowingly use any method to block or otherwise circumvent [such] **any** subscriber's use of a caller identification service.

407.1107. PENALTIES, ATTORNEY GENERAL TO ENFORCE — CIVIL, CRIMINAL, INJUNCTIVE RELIEF — PRIVATE ACTIONS — DEFENSES — STATUTE OF LIMITATIONS. — 1. The attorney general may initiate proceedings relating to a knowing violation or threatened knowing violation of section 407.1098 or 407.1104. Such proceedings may include, without limitation, an injunction, a civil penalty up to a maximum of five thousand dollars for each knowing violation and additional relief in any court of competent jurisdiction. The attorney

general may issue investigative demands, issue subpoenas, administer oaths and conduct hearings in the course of investigating a violation of section 407.1098 or 407.1104.

2. In addition to the penalties provided in subsection 1 of this section, any person or entity that violates section 407.1104 shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies available in this section are cumulative and in addition to any other remedies available by law.

3. Any person who has received more than one telephone solicitation within any twelve-month period by or on behalf of the same person or entity in violation of section 407.1098 or 407.1104 may either:

(1) Bring an action to enjoin such violation;

(2) Bring an action to recover for actual monetary loss from such knowing violation or to receive up to five thousand dollars in damages for each such knowing violation, whichever is greater; or

(3) Bring both such actions.

4. It shall be a defense in any action or proceeding brought pursuant to this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of section 407.1098 or 407.1104.

5. No action or proceeding may be brought pursuant to this section:

(1) More than two years after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) More than two years after the termination of any proceeding or action arising out of the same violation or violations by the state of Missouri, whichever is later.

6. A court of this state may exercise personal jurisdiction over any nonresident or his or her executor or administrator as to an action or proceeding authorized by this section in the manner otherwise provided by law.

7. The remedies, duties, prohibitions and penalties of sections 407.1095 to [407.1104] **407.1107** are not exclusive and are in addition to all other causes of action, remedies and penalties provided by law.

8. No provider of telephone caller identification service shall be held liable for violations of section 407.1098 or 407.1104 committed by other persons or entities.

[9. Section 407.1104 and this section shall take effect on July 1, 2001.]

Approved June 14, 2012

HB 1563 [SS SCS HCS HB 1563]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding healthcare services

AN ACT to repeal sections 195.060, 195.080, 334.104, 334.747, 337.300, 337.305, 337.310, 337.315, 337.325, 337.345, 338.315, 338.333, and 660.315, RSMo, and to enact in lieu thereof sixteen new sections relating to healthcare services, with a penalty provision and an emergency clause for a certain section.

SECTION

- A. Enacting clause.
 173.1400. Verification issued, when — form, information.
 195.060. Controlled substances to be dispensed on prescription only, exception.
 195.080. Excepted substances — prescription or dispensing limitation on amount of supply, exception — may be increased by physician, procedure.
-

- 334.104. Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.
- 334.747. Prescribing controlled substances authorized, when — supervising physicians — certification.
- 337.300. Definitions.
- 337.305. Advisory board created, members, terms, meetings, vacancies.
- 337.310. Board powers and duties.
- 337.315. Intervention requirements — licensure requirements — temporary licenses — provisional license — practice of applied behavior analysis — violation, penalty.
- 337.325. Limitation on practice.
- 337.347. Reimbursement and billing for provisionally and temporary licensed analysts.
- 337.647. Verification and acknowledgment of completion, requirements — rulemaking authority.
- 338.315. Receipt of drugs from unlicensed distributor or pharmacy, unlawful — penalty — pharmacy-to-pharmacy transfers, limit — legend drugs, inventories and records — rulemaking authority.
- 338.320. Committee established, purpose, members, duties — sunset provision.
- 338.333. License required, temporary licenses may be granted — out-of-state distributors, reciprocity allowed, when.
- 660.315. Employee disqualification list, notification of placement, contents — challenge of allegation, procedure — hearing, procedure — appeal — removal of name from list — list provided to whom — prohibition of employment.
- 337.345. Provisional license, application procedure.
 - B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 195.060, 195.080, 334.104, 334.747, 337.300, 337.305, 337.310, 337.315, 337.325, 337.345, 338.315, 338.333, and 660.315, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 173.1400, 195.060, 195.080, 334.104, 334.747, 337.300, 337.305, 337.310, 337.315, 337.325, 337.347, 337.647, 338.315, 338.320, 338.333, and 660.315, to read as follows:

173.1400. VERIFICATION ISSUED, WHEN — FORM, INFORMATION. — 1. The state of Missouri hereby authorizes accredited Missouri colleges or universities to issue on behalf of the state a document of school social work program verification and acknowledgment of completion to any individual who has obtained a degree in social work from an accredited college or university and:

(1) Holds a credential in school social work issued by a nationally-recognized credentialing organization in social work; or

(2) Demonstrates competency in school social work by successful passage of a school social worker exam approved by the state committee for social workers established in section 337.622 and administered by the accredited college or university.

2. The department of higher education shall develop a form, available to Missouri colleges and universities upon request, containing the following information:

(1) The words "State of Missouri";

(2) The seal of the state of Missouri;

(3) A place for inclusion of the name of the issuing accredited Missouri college or university awarding the document;

(4) A statement of the criteria outlined in subsection 1 of this section;

(5) A place for inclusion of the name of the individual who has applied for the school social work program verification and acknowledgment of completion;

(6) A place for inclusion of the date of issuance;

(7) A place for the signatures of the college or university official and an official from the state department of higher education;

(8) A footnote stating "No person shall hold himself or herself out to be a social worker unless such person has met the requirements of section 337.604, RSMo."

3. Accredited Missouri colleges or universities may issue a document on the state's behalf to any person making application as a credentialed school social worker provided he or she meets the qualifications contained in this section.

195.060. CONTROLLED SUBSTANCES TO BE DISPENSED ON PRESCRIPTION ONLY, EXCEPTION. — 1. Except as provided in subsection [3] 4 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. **A pharmacist, in good faith, may sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state, provided that the:**

(1) **Prescription was issued according to and in compliance with the applicable laws of that state and the United States; and**

(2) **Quantity limitations in subsection 2 of section 195.080 apply to prescriptions dispensed to patients located in this state.**

3. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

[3.] 4. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to any person in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

[4.] 5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. EXCEPTED SUBSTANCES — PRESCRIPTION OR DISPENSING LIMITATION ON AMOUNT OF SUPPLY, EXCEPTION — MAY BE INCREASED BY PHYSICIAN, PROCEDURE. — 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form

the medical reason for requiring the larger supply. The supply limitations provided in this subsection shall not apply if:

(1) The prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located in another state; or

(2) The prescription is dispensed directly to a member of the United States armed forces serving outside the United States.

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN — CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS. — 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 195.017 for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

- (b) Maintain geographic proximity; and
- (c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;
- (6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;
- (7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;
- (8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;
- (9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review **by the collaborating physician, or any other physician designated in the collaborative practice arrangement**, every fourteen days; and
- (10) The collaborating physician, **or any other physician designated in the collaborative practice arrangement**, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in

this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.747. PRESCRIBING CONTROLLED SUBSTANCES AUTHORIZED, WHEN — SUPERVISING PHYSICIANS — CERTIFICATION. — 1. A physician assistant with a certificate of

controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017 when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances shall be limited to a five-day supply without refill. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include [such] **the Drug Enforcement Administration registration [numbers] number** on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

337.300. DEFINITIONS. — As used in sections 337.300 to 337.345, the following terms shall mean:

(1) "Applied behavior analysis", the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior. **Applied behavior analysis does not include cognitive therapies or psychological testing, personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family therapy, and long-term counseling as treatment modalities;**

(2) "Board", the behavior analyst advisory board within the state committee of psychologists;

(3) "Certifying entity", the nationally accredited Behavior Analyst Certification Board, or other equivalent nationally accredited nongovernmental agency approved by the committee which certifies individuals who have completed academic, examination, training, and supervision requirements in applied behavior analysis;

(4) "Committee", the state committee of psychologists;

(5) "Division", the division of professional registration within the department of insurance, financial institutions and professional registration;

(6) "Licensed assistant behavior analyst" or "LaBA", an individual who is certified by the certifying entity as a certified assistant behavior analyst and meets the criteria in section 337.315 and as established by committee rule;

(7) "Licensed behavior analyst" or "LBA", an individual who is certified by the certifying entity as a certified behavior analyst and meets the criteria in section 337.315 and as established by committee rule;

(8) "Practice of applied behavior analysis", the application of the principles, methods, and procedures of the experimental analysis of behavior and applied behavior analysis (including principles of operant and respondent learning) to assess and improve socially important human behaviors. It includes, but is not limited to, applications of those principles, methods, and procedures to:

(a) The design, implementation, evaluation, and modification of treatment programs to change behavior of individuals;

(b) The design, implementation, evaluation, and modification of treatment programs to change behavior of groups; and

(c) Consultation to individuals and organizations[. Applied behavior analysis does not include cognitive therapies or psychological testing, personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family therapy, and long-term counseling as treatment modalities];

(9) "Provisionally licensed assistant behavior analyst" or "PLABA", an individual who meets the criteria in subsection 5 of section 337.315 and as established by the committee by rule;

(10) "Provisionally licensed behavior analyst" or "PLBA", an individual who meets the criteria in subsection 5 of section 337.315 and as established by the committee by rule;

(11) "Temporary licensed assistant behavior analyst" or "TLaBA", an individual who meets the criteria of subsection 4 of section 337.315 and as established by the committee by rule;

(12) "Temporary licensed behavior analyst" or "TLBA", an individual who meets the criteria in subsection 4 of section 337.315 and as established by the committee by rule.

337.305. ADVISORY BOARD CREATED, MEMBERS, TERMS, MEETINGS, VACANCIES. —

1. There is hereby created under the state committee of psychologists within the division of professional registration the "Behavior Analyst Advisory Board". The behavior analyst advisory board shall consist of the following seven members: three licensed behavior analysts, one licensed behavior analyst holding a doctoral degree, one licensed assistant behavior analyst, one professional member of the committee, and one public member.

2. Appointments to the board, **except for the one professional member of the committee**, shall be made by the governor upon the recommendations of the director of the division, upon the advice and consent of the senate. The division, prior to submitting nominations, shall solicit nominees from professional associations and licensed behavior analysts or licensed assistant behavior analysts in the state. **Appointment to the board of the one professional member of the committee shall be made by nomination and majority vote of the committee.**

3. The term of office for board members shall be five years. In making initial appointments to the board, the governor shall stagger the terms of the appointees so that one member serves an initial term of two years, three members shall serve an initial term of three years, and three members serve initial terms of four years. Each member of the board shall hold office until his or her successor has been qualified. A vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for the original appointment. A member appointed for less than a full term may serve two full terms in addition to such part of a full term.

4. Each board member shall be a resident of this state for a period of one year and a registered voter, shall be a United States citizen, and shall, other than the public member, have been a licensed behavior analyst or licensed assistant behavior analyst in this state for at least three years prior to appointment except for the original members of the board who shall have experience in the practice of applied behavior analysis.

5. The public member shall be a person who is not and never was a member of any profession licensed or regulated under sections 337.300 to 337.345 or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by sections 337.300 to 337.345, or an activity or organization directly related to any profession licensed or regulated under sections 337.300 to 337.345.

6. The board shall meet at least quarterly. At one of its regular meetings, the board shall select from among its members a chairperson and a vice chairperson. A quorum of the committee shall consist of a majority of its members. In the absence of the chairperson, the vice chairperson shall conduct the office of the chairperson.

7. Each member of the board shall receive as compensation an amount set by the division not to exceed fifty dollars for each day devoted to the affairs of the board and shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of the member's official duties.

8. Staff for the board shall be provided by the director of the division of professional registration.

9. The governor may remove any member of the board for misconduct, inefficiency, incompetency, or neglect of office. All vacancies shall be filled by appointment of the governor with the advice and consent of the senate, and the member so appointed shall serve for the unexpired term.

337.310. BOARD POWERS AND DUTIES. — 1. The behavior analyst advisory board is authorized to:

(1) Review all applications for licensure, **provisional licensure**, and temporary licensure for behavior analysts and assistant behavior analysts and any supporting documentation submitted with the application to the committee and make recommendations to the committee regarding the resolution of the application;

(2) Review all complaints made relating to the practice of behavior analysis and make recommendations to the committee regarding investigation of the complaint, referral for discipline or other resolution of the complaint; and

(3) Review any entities responsible for certifying behavior analysts and make recommendations to the committee as to approval or disapproval of the certifying entity based on qualifications established by the committee.

2. The board shall recommend to the committee rules to be promulgated pertaining to:

(1) The form and content of license applications required and the procedures for filing an application for an initial, provisional temporary or renewal license in this state;

(2) The establishment of fees;

(3) The educational and training requirements for licensed behavior analysts and licensed assistant behavior analysts;

(4) The roles, responsibilities, and duties of licensed behavior analysts [and] , licensed assistant behavior analysts, **provisionally licensed behavior analysts, provisionally licensed assistant behavior analysts, temporary licensed behavior analysts, and temporary licensed assistant behavior analysts;**

(5) The characteristics of supervision and supervised clinical practicum experience for [the] licensed behavior analyst [and the] , licensed assistant behavior analyst, **provisionally licensed behavior analysts, provisionally licensed assistant behavior analysts, temporary licensed behavior analysts, and temporary licensed assistant behavior analysts;**

(6) The supervision of licensed assistant behavior analysts, **provisionally licensed behavior analysts, provisionally licensed assistant behavior analysts, temporary licensed behavior analysts, and temporary licensed assistant behavior analysts;**

(7) The requirements for continuing education for licensed behavior analysts and licensed assistant behavior analysts;

(8) A code of conduct; and

(9) Any other policies or procedures necessary to the fulfillment of the requirements of sections 337.300 to 337.345.

3. Only after the board's recommendation and approval by majority vote may the committee make any final decisions related to licensing, rules and regulations, complaint resolution, approval of certifying entities or any actions bearing upon the practice of applied behavior analysis unless otherwise authorized by sections 337.300 to 337.345.

4. [Notwithstanding the provisions of subsection 3 of this section, until such time as the governor appoints the board and the board has a quorum, the committee shall review and resolve all applications for licensure as a licensed behavior analyst or licensed assistant behavior analyst.

5.] Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

337.315. INTERVENTION REQUIREMENTS — LICENSURE REQUIREMENTS — TEMPORARY LICENSES — PROVISIONAL LICENSE — PRACTICE OF APPLIED BEHAVIOR ANALYSIS — VIOLATION, PENALTY. — 1. An applied behavior analysis intervention shall produce socially significant improvements in human behavior through skill acquisition, increase or decrease in behaviors under specific environmental conditions and the reduction of problematic behavior. An applied behavior analysis intervention shall:

(1) Be based on empirical research and the identification of functional relations between behavior and environment, contextual factors, antecedent stimuli and reinforcement operations through the direct observation and measurement of behavior, arrangement of events and observation of effects on behavior, as well as other information gathering methods such as record review and interviews; and

(2) Utilize changes and arrangements of contextual factors, antecedent stimuli, positive reinforcement, and other consequences to produce behavior change.

2. Each person wishing to practice as a licensed behavior analyst shall:

(1) Submit a complete application on a form approved by the committee;

(2) Pay all necessary fees as set by the committee;

(3) Submit a two-inch or three-inch photograph or passport photograph taken no more than six months prior to the application date;

(4) Provide two classified sets of fingerprints for processing by the Missouri state highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol to search

the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files;

(5) Have passed an examination and been certified as a board-certified behavior analyst by a certifying entity, as defined in section 337.300;

(6) Provide evidence of active status as a board-certified behavior analyst; and

(7) If the applicant holds a license as a behavior analyst in another state, a statement from all issuing states verifying licensure and identifying any disciplinary action taken against the license holder by that state.

3. Each person wishing to practice as a licensed assistant behavior analyst shall:

(1) Submit a complete application on a form approved by the committee;

(2) Pay all necessary fees as set by the committee;

(3) Submit a two-inch or three-inch photograph or passport photograph taken no more than six months prior to the application date;

(4) Provide two classified sets of fingerprints for processing by the Missouri state highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files;

(5) Have passed an examination and been certified as a board-certified assistant behavior analyst by a certifying entity, as defined in section 337.300;

(6) Provide evidence of active status as a board-certified assistant behavior analyst;

(7) If the applicant holds a license as an assistant behavior analyst in another state, a statement from all issuing states verifying licensure and identifying any disciplinary action taken against the license holder by that state; and

(8) Submit documentation satisfactory to the committee that the applicant will be directly supervised by a licensed behavior analyst in a manner consistent with the certifying entity.

4. The committee shall be authorized to issue a temporary license to an applicant for a behavior analyst license or assistant behavior analyst license upon receipt of a complete application, **submission of a fee as set by the committee by rule** for behavior analyst or assistant behavior analyst [or] , **and** a showing of valid licensure as a behavior analyst or **assistant behavior analyst** in another state, only if the applicant has submitted fingerprints and no disqualifying criminal history appears on the family care safety registry. The temporary license shall expire upon issuance of a license or denial of the application but no later than ninety days from issuance of the temporary license. Upon written request to the committee, the holder of a temporary license shall be entitled to one extension of ninety days of the temporary license.

5. **(1) The committee shall, in accordance with rules promulgated by the committee, issue a provisional behavior analyst license or a provisional assistant behavior analyst license upon receipt by the committee of a complete application, appropriate fee as set by the committee by rule, and proof of satisfaction of requirements under subsections 2 and 3 of this section, respectively, and other requirements established by the committee by rule, except that applicants for a provisional license as either a behavior analyst or assistant behavior analyst need not have passed an examination and been certified as a board-certified behavior analyst or a board-certified assistant behavior analyst to obtain a provisional behavior analyst or provisional assistant behavior analyst license.**

(2) A provisional license issued under this subsection shall only authorize and permit the licensee to render behavior analysis under the supervision and the full professional responsibility and control of such licensee's licensed supervisor.

(3) A provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of cause to discipline after notice and hearing under section 337.330, upon termination of supervision by a licensed supervisor, or upon the expiration of one year from the date of issuance of the provisional license, whichever first occurs. The provisional license may be renewed after one year, with a maximum issuance of two

years. Upon a showing of good cause, the committee by rule shall provide procedures for exceptions and variances from the requirement of a maximum issuance of two years.

6. No person shall hold himself or herself out to be licensed behavior analysts or LBA, provisionally licensed behavior analyst or PLBA, provisionally licensed assistant behavior analyst or PLABA, temporary licensed behavior analyst or TLBA, or temporary licensed assistant behavior analyst or TLaBA, licensed assistant behavior analysts or LaBA in the state of Missouri unless they meet the applicable requirements.

[6.] 7. No persons shall practice applied behavior analysis unless they are:

(1) Licensed behavior analysts;

(2) Licensed assistant behavior analysts working under the supervision of a licensed behavior analyst;

(3) An individual who has a bachelor's or graduate degree and completed course work for licensure as a behavior analyst and is obtaining supervised field experience under a licensed behavior analyst pursuant to required supervised work experience for licensure at the behavior analyst or assistant behavior analyst level; [or]

(4) Licensed psychologists practicing within the rules and standards of practice for psychologists in the state of Missouri and whose practice is commensurate with their level of training and experience;

(5) Provisionally licensed behavior analysts;

(6) Provisionally licensed assistant behavior analysts;

(7) Temporary licensed behavior analysts; or

(8) Temporary licensed assistant behavior analysts.

[7.] 8. Notwithstanding the provisions in subsection 6 of this section, any licensed or certified professional may practice components of applied behavior analysis, as defined in section 337.300 if he or she is acting within his or her applicable scope of practice and ethical guidelines.

[8.] 9. All licensed behavior analysts and licensed assistant behavior analysts shall be bound by the code of conduct adopted by the committee by rule.

[9.] 10. Licensed assistant behavior analysts shall work under the direct supervision of a licensed behavior analyst as established by committee rule.

[10.] 11. Persons who provide services under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq., or Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, or are enrolled in a course of study at a recognized educational institution through which the person provides applied behavior analysis as part of supervised clinical experience shall be exempt from the requirements of this section.

[11.] 12. A violation of this section shall be punishable by probation, suspension, or loss of any license held by the violator.

337.325. LIMITATION ON PRACTICE. — A licensed behavior analyst [and] , licensed assistant behavior analyst, **provisionally licensed behavior analyst, provisionally licensed assistant behavior analyst, temporary licensed behavior analyst and temporary licensed assistant behavior analyst** shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, or experience. A licensed behavior analyst [and] , licensed assistant behavior analyst, **provisionally licensed behavior analyst, provisionally licensed assistant behavior analyst, temporary licensed behavior analyst and temporary licensed assistant behavior analyst** trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience.

337.347. REIMBURSEMENT AND BILLING FOR PROVISIONALLY AND TEMPORARY LICENSED ANALYSTS. — For reimbursement and billing purposes of section 376.1224, services provided by a provisionally licensed assistant behavior analyst, a provisionally licensed behavior analyst, or a temporary licensed behavior analyst shall be billed by the supervising board-certified behavior analyst.

337.647. VERIFICATION AND ACKNOWLEDGMENT OF COMPLETION, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. The committee shall develop a school social work program verification and acknowledgment of completion for individuals who have met the requirements set forth in this section.

2. The committee shall issue a document similar to the document described in subsection 2 of section 173.1400 to any individual who:

- (1) Submits an application to the board;
- (2) Holds a credential in school social work issued by a nationally recognized credentialing organization in social work, or demonstrates competency in school social work by successful passage of a school social worker exam approved by the committee;
- (3) Holds a license issued by the committee; and
- (4) Submits the fee as required by rule of the committee.

3. The committee shall promulgate rules and shall charge fees necessary to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

4. Notwithstanding any provision of law to the contrary, any school social work program verification and acknowledgment of completion issued by the committee under subsection 2 of this section shall not be deemed a license, certificate, registration or permit for any purpose, and such documents convey no authority to practice social work in Missouri and convey no authority to use any social work title in Missouri. Each school social work program verification and acknowledgment of completion issued by the committee under subsection 2 of this section shall state on its face that it:

- (1) Is not a license, certificate, registration or permit;
- (2) Conveys no authority to practice social work in Missouri; and
- (3) Conveys no authority to use any social work title in Missouri.

5. Notwithstanding any provision of law to the contrary, school social work program verification and acknowledgment of completion issued by the committee under subsection 2 of this section shall not:

- (1) Expire;
- (2) Be subject to renewal;
- (3) Be subject to denial or discipline under section 337.630;
- (4) Be subject to suspension under section 324.010; or
- (5) Be subject to any other action to which professional licenses may be subjected.

338.315. RECEIPT OF DRUGS FROM UNLICENSED DISTRIBUTOR OR PHARMACY, UNLAWFUL — PENALTY — PHARMACY-TO-PHARMACY TRANSFERS, LIMIT — LEGEND DRUGS, INVENTORIES AND RECORDS — RULEMAKING AUTHORITY. — 1. Except as otherwise provided by the board by rule, it shall be unlawful for any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or receive any legend drugs under 21 U.S.C. Section 353 from other than a licensed or registered drug distributor or licensed pharmacy. Any person who violates the provisions of this section shall, upon conviction, be adjudged guilty of a class A misdemeanor. Any subsequent conviction shall constitute a class D felony.

2. Notwithstanding any other provision of law to the contrary, the sale, purchase, or trade of a prescription drug by a pharmacy to other pharmacies is permissible if the total dollar volume of such sales, purchases, or trades are in compliance with the rules of the

board and do not exceed five percent of the pharmacy's total annual prescription drug sales.

3. Pharmacies shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of legend drugs. Such records shall be maintained for two years and be readily available upon request by the board or its representatives.

4. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

338.320. COMMITTEE ESTABLISHED, PURPOSE, MEMBERS, DUTIES — SUNSET PROVISION. — 1. There is hereby established the "Missouri Electronic Prior Authorization Committee" in order to facilitate, monitor, and report to the general assembly on Missouri-based efforts to contribute to the establishment of national electronic prior authorization standards. Such efforts shall include the Missouri-based electronic prior authorization pilot program established under subsection 5 of this section and the study and dissemination of information by the committee of the efforts of the National Council on Prescription Drug Programs (NCPDP) to develop national electronic prior authorization standards. The committee shall advise the general assembly and the department of insurance, financial institutions and professional registration as to whether there is a need for administrative rules to be promulgated by the department of insurance, financial institutions and professional registration as soon as practically possible.

2. The Missouri electronic prior authorization committee shall consist of the following members:

- (1) Two members of the senate, appointed by the president pro tempore of the senate;
 - (2) Two members of the house of representatives, appointed by the speaker of the house of representatives;
 - (3) One member from an organization of licensed physicians in the state;
 - (4) One member who is a physician licensed in Missouri pursuant to chapter 334;
 - (5) One member who is a representative of a Missouri pharmacy benefit management company;
 - (6) One member from an organization representing licensed pharmacists in the state;
 - (7) One member from the business community representing businesses on health insurance issues;
 - (8) One member from an organization representing the leading research-based pharmaceutical and biotechnology companies;
 - (9) One member from an organization representing the largest generic pharmaceutical trade association;
 - (10) One patient advocate;
 - (11) One member from an electronic prescription network that facilitates the secure electronic exchange of clinical information between physicians, pharmacies, payers, and pharmacy benefit managers and other health care providers;
 - (12) One member from a Missouri-based electronic health records company;
 - (13) One member from an organization representing the largest number of hospitals in the state;
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(14) One member from a health carrier as such term is defined under section 376.1350;

(15) One member from an organization representing the largest number of health carriers in the state, as such term is defined under section 376.1350;

(16) The director of the department of social services, or the director's designee;

(17) The director of the department of insurance, financial institutions and professional registration, who shall be chair of the committee.

3. All of the members, except for the members from the general assembly, shall be appointed by the governor no later than September 1, 2012, with the advice and consent of the senate. The staff of the department of insurance, financial institutions and professional registration shall provide assistance to the committee.

4. The duties of the committee shall be as follows:

(1) Before February 1, 2019, monitor and report to the general assembly on the Missouri-based electronic prior authorization pilot program created under subsection 5 of this section including a report of the outcomes and best practices developed as a result of the pilot program and how such information can be used to inform the national standard-setting process;

(2) Obtain specific updates from the NCPDP and other pharmacy benefit managers and vendors that are currently engaged in pilot programs working toward national electronic prior authorization standards;

(3) Correspond and collaborate with the NCPDP and other such pilots through the exchange of information and ideas;

(4) Assist, when asked by the pharmacy benefit manager, with the development of the pilot program created under subsection 5 of this section with an understanding of information on the success and failures of other pilot programs across the country;

(5) Prepare a report at the end of each calendar year to be distributed to the general assembly and governor with a summary of the committee's progress and plans for the next calendar year, including a report on Missouri-based efforts to contribute to the establishment of national electronic prior authorization standards. Such annual report shall continue until such time as the NCPDP has established national electronic prior authorization standards or this section has expired, whichever is sooner. The first report shall be completed before January 1, 2013;

(6) Upon the adoption of national electronic prior authorization standards by the NCPDP, prepare a final report to be distributed to the general assembly and governor that identifies the appropriate Missouri administrative regulations, if any, that will need to be promulgated by the department of insurance, financial institutions and professional registration, in order to make those standards effective as soon as practically possible, and advise the general assembly and governor if there are any legislative actions necessary to the furtherance of that end.

5. The department of insurance, financial institutions and professional registration and the Missouri electronic prior authorization committee shall recruit a Missouri-based pharmacy benefits manager doing business nationally to volunteer to conduct an electronic prior authorization pilot program in Missouri. The pharmacy benefits manager conducting the pilot program shall ensure that there are adequate Missouri licensed physicians and an electronic prior authorization vendor capable and willing to participate in a Missouri-based pilot program. Such pilot program established under this section shall be operational by January 1, 2014. The department and the committee may provide advice or assistance to the pharmacy benefit manager conducting the pilot program but shall not maintain control or lead with the direction of the pilot program.

6. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

338.333. LICENSE REQUIRED, TEMPORARY LICENSES MAY BE GRANTED — OUT-OF-STATE DISTRIBUTORS, RECIPROCIITY ALLOWED, WHEN. — 1. Except as otherwise provided by the board of pharmacy by rule in the event of an emergency or to alleviate a supply shortage, no person or distribution outlet shall act as a wholesale drug distributor or pharmacy distributor without first obtaining license to do so from the Missouri board of pharmacy and paying the required fee. The board may grant temporary licenses when the wholesale drug distributor or pharmacy distributor first applies for a license to operate within the state. Temporary licenses shall remain valid until such time as the board shall find that the applicant meets or fails to meet the requirements for regular licensure. No license shall be issued or renewed for a wholesale drug distributor or pharmacy distributor to operate unless the same shall be operated in a manner prescribed by law and according to the rules and regulations promulgated by the board of pharmacy with respect thereto. Separate licenses shall be required for each distribution site owned or operated by a wholesale drug distributor or pharmacy distributor, unless such drug distributor or pharmacy distributor meets the requirements of section 338.335.

2. An agent or employee of any licensed or registered wholesale drug distributor or pharmacy distributor need not seek licensure under this section and may lawfully possess pharmaceutical drugs, if he is acting in the usual course of his business or employment.

3. The board may permit out-of-state wholesale drug distributors or out-of-state pharmacy distributors to be licensed as required by sections 338.210 to 338.370 on the basis of reciprocity to the extent that an out-of-state wholesale drug distributor or out-of-state pharmacy distributor both:

(1) Possesses a valid license granted by another state pursuant to legal standards comparable to those which must be met by a wholesale drug distributor or pharmacy distributor of this state as prerequisites for obtaining a license under the laws of this state; and

(2) Distributes into Missouri from a state which would extend reciprocal treatment under its own laws to a wholesale drug distributor or pharmacy distributor of this state.

660.315. EMPLOYEE DISQUALIFICATION LIST, NOTIFICATION OF PLACEMENT, CONTENTS — CHALLENGE OF ALLEGATION, PROCEDURE — HEARING, PROCEDURE — APPEAL — REMOVAL OF NAME FROM LIST — LIST PROVIDED TO WHOM — PROHIBITION OF EMPLOYMENT. — 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within

thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

- (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
- (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;
- (3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;
- (4) Whether the person has previously been listed on the employee disqualification list;
- (5) Any mitigating circumstances;
- (6) Any aggravating circumstances; and
- (7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

- (1) Is licensed as an operator under chapter 198;
- (2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;

(4) Is approved by the department to issue certificates for nursing assistants training;

(5) Is an entity licensed under chapter 197; [or]

(6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. **No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.**

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to [(5)] (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to [(5)] (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer who is required to discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

[337.345. PROVISIONAL LICENSE, APPLICATION PROCEDURE. — 1. Prior to August 28, 2012, each person desiring to obtain a provisional license shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. The application fee shall not be refundable. Each

application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration.

2. For a provisional behavior analyst license, the applicant shall:

(1) Submit a two-inch or three-inch photograph or passport photograph taken no more than six months prior to the application date, and only if the applicant has submitted fingerprints and no disqualifying criminal history appears on the family care safety registry;

(2) Have passed an examination and been certified as a board-certified behavior analyst by the Behavior Analyst Certification Board or a certifying entity listed in subdivision (3) of section 337.300; and

(3) Provide evidence of active status as a board-certified behavior analyst.

3. For a provisional assistant behavior analyst license, the applicant shall:

(1) Submit a two-inch or three-inch photograph or passport photograph taken no more than six months prior to the application date, and only if the applicant has submitted fingerprints and no disqualifying criminal history appears on the family care safety registry;

(2) Have passed an examination and been certified as a board-certified assistant behavior analyst by a certifying entity listed in subdivision (3) of section 337.300;

(3) Provide evidence of active status as a board-certified assistant behavior analyst; and

(4) Submit documentation satisfactory to the board that the applicant will be directly supervised by a licensed behavior analyst in a manner consistent with the certifying entity.

4. Each applicant for provisional licensure shall meet the applicable requirements of section 337.315 within three months of the date of issuance of the provisional license.

5. The provisional license shall be effective only until the later to occur of:

(1) Grant or rejection of a license pursuant to section 337.315; or

(2) August 28, 2012. The holder of a provisional license which has not expired, been suspended, or revoked shall be deemed to be the holder of a license issued under section 337.315 until such provisional license expires, is suspended, or revoked.]

SECTION B. EMERGENCY CLAUSE. — Because of the need to provide school social work program verification and acknowledgment of completion before the start of the 2012-2013 school year, the enactment of section 173.1400 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 173.1400 of this act shall be in full force and effect upon its passage and approval.

Approved July 12, 2012

HB 1576 [SS HCS HB 1576]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows certain state-licensed foster parents to purchase health insurance from the Missouri Consolidated Health Care Plan at the premium rate established for state employees

AN ACT to amend chapters 103 and 210, RSMo, by adding thereto two new sections relating to the purchase of state health insurance by certain foster parents.

SECTION

A. Enacting clause.

103.078. Foster parents permitted to purchase, when.

210.539. State health insurance, foster parents may purchase, when.

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

SECTION A. ENACTING CLAUSE. — Chapters 103 and 210, RSMo, are amended by adding thereto two new sections, to be known as sections 103.078 and 210.539, to read as follows:

103.078. FOSTER PARENTS PERMITTED TO PURCHASE, WHEN. — In accordance with section 210.539, the Missouri consolidated health care plan shall allow a foster parent who qualifies for state health insurance under section 210.539 to purchase the same state health insurance as state employees for himself or herself and his or her dependents at the actuarially determined rate of total premium for such health care coverage. In order to qualify for the purchase of state health insurance under this section, foster parents shall not have access to other health insurance coverage through an employer or spouse's employer. Foster parents shall provide documentation of eligibility for state health insurance prior to purchase of any state health insurance under the Missouri consolidated health care plan.

210.539. STATE HEALTH INSURANCE, FOSTER PARENTS MAY PURCHASE, WHEN. — 1. Any specialized foster parent as defined in section 210.543 and licensed under this chapter who provides temporary foster care for children who have a documented history of presenting behaviors or diagnoses which render the child unable to effectively function outside of a highly structured setting, not in anticipation of adoption and not for children related to such foster parent may, at the foster parent's own expense, purchase the same state health insurance as state employees for himself or herself and his or her dependents through the Missouri consolidated health care plan at the actuarially determined rate of total premium for such health care coverage.

2. Documentation of eligibility for the purchase of state health insurance shall be required prior to the purchase of any such insurance. The department of social services shall provide the appropriate documentation of initial and ongoing eligibility of foster parents who qualify for the purchase of state health insurance under this section to the Missouri consolidated health care plan.

Approved June 25, 2012

HB 1577 [HB 1577]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires schools to implement specified criteria regarding the enrollment and educational success of foster care children

AN ACT to amend chapter 160, RSMo, by adding thereto one new section relating to foster care students.

SECTION

A. Enacting clause.
160.1990. Criteria to facilitate transition of foster children — definitions — receiving school duties — on-time graduation procedures.

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

SECTION A. ENACTING CLAUSE. — Chapter 160, RSMo, is amended by adding thereto one new section, to be known as section 160.1990, to read as follows:

160.1990. CRITERIA TO FACILITATE TRANSITION OF FOSTER CHILDREN — DEFINITIONS — RECEIVING SCHOOL DUTIES — ON-TIME GRADUATION PROCEDURES. — 1. In order to remove barriers to educational success imposed on foster care children because of frequent moves, the department of elementary and secondary education shall ensure that the following criteria are implemented in every school district in this state regarding enrollment of foster care children:

(1) Facilitate the timely enrollment of foster care children and ensure that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or districts or variations in entrance and age requirements;

(2) Facilitate the student placement process through which foster care children are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment;

(3) Facilitate the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

(4) Facilitate the on-time graduation of foster care children;

(5) Provide for the promulgation and enforcement of administrative rules implementing the provisions of this section;

(6) Provide for the uniform collection and sharing of information between and among schools, foster care children, and their families under this section;

(7) Promote flexibility and cooperation between the educational system, foster parents, and the foster care student in order to achieve educational success for the student.

2. For purposes of this section, the following terms shall mean:

(1) "Education records", those official records, files, and data directly related to a foster care student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs;

(2) "Extracurricular activities", a voluntary activity sponsored by the school. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities;

(3) "Foster care child", a school-aged child enrolled in kindergarten through twelfth grade who is residing in a foster care setting in this state;

(4) "Transition":

(a) The formal and physical process of transferring from school to school; or

(b) The period of time in which a foster care student moves from one school to another school.

3. (1) When a foster care student transfers before or during the school year, the receiving school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending school or educational assessments conducted at the sending school if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses shall be paramount when considering placement. This requirement does not preclude the receiving school from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course.

(2) The receiving school shall initially honor placement of a foster care student in educational programs based on current educational assessments conducted at the sending school or participation or placement in like programs in the sending school. Such programs include, but are not limited to gifted and talented programs and English as a second language (ESL). This requirement does not preclude the receiving school from performing subsequent evaluations to ensure appropriate placement of the student.

(3) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq., the receiving school shall initially provide comparable services to a foster care student with disabilities based on his or her current Individualized Education Program (IEP). In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving school shall make reasonable accommodations and modifications to address the needs of incoming foster care students with disabilities, subject to an existing 504 or Title II Plan, to provide the foster care student with equal access to education. This requirement does not preclude the receiving school from performing subsequent evaluations to ensure appropriate placement of the student.

(4) Schools shall have flexibility in waiving course or program prerequisites, or other preconditions for placement in courses or programs offered at the school.

4. In order to facilitate the on-time graduation of foster care children, schools shall incorporate the following procedures:

(1) Schools shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another school or shall provide reasonable justification for denial. If a waiver is not granted to a foster care student who would qualify to graduate from the sending school, the receiving school shall provide an alternative means of acquiring required course work so that graduation may occur on time;

(2) Receiving schools shall accept:

(a) Exit or end-of-course exams required for graduation from the sending school; or

(b) National norm-referenced achievement tests; or

(c) Alternative testing, in lieu of testing requirements for graduation in the receiving school.

If such alternatives cannot be accommodated by the receiving school for a foster care student transferring in his or her senior year, the provisions of subsection 5 of this section shall apply.

5. If a foster care student transferring at the beginning or during his or her senior year is ineligible to graduate from the receiving school after all alternatives have been considered, the sending and receiving schools shall ensure the receipt of a diploma from the sending school, if the student meets the graduation requirements of the sending school.

Approved June 25, 2012

HB 1608 [HCS HB 1608]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Repeals provisions and sections of law regarding unfunded and obsolete programs and establishes expiration dates for specified provisions

AN ACT to repeal sections 37.115, 37.125, 37.300, 37.310, 37.320, 37.330, 37.340, 37.360, 37.370, 37.390, 37.500, 42.014, 42.015, 160.375, 160.542, 160.950, 161.182, 161.235,

161.800, 162.1010, 162.1168, 167.229, 167.290, 167.292, 167.294, 167.296, 167.298, 167.300, 167.302, 167.304, 167.306, 167.308, 167.310, 167.320, 167.322, 167.324, 167.326, 167.328, 167.330, 167.332, 168.430, 168.550, 168.555, 168.560, 168.565, 168.570, 168.575, 168.580, 168.585, 168.590, 168.595, 168.600, 169.580, 170.254, 173.053, 173.055, 173.198, 173.199, 173.267, 173.500, 173.510, 173.515, 173.520, 173.525, 173.530, 173.535, 173.545, 173.550, 173.555, 173.560, 173.565, 173.724, 173.727, 191.390, 191.425, 191.727, 191.733, 191.735, 191.741, 191.745, 191.909, 192.640, 192.642, 192.644, 192.729, 193.295, 193.305, 198.086, 198.527, 198.531, 207.150, 208.153, 208.178, 208.179, 208.192, 208.202, 208.309, 208.311, 208.313, 208.315, 208.335, 208.500, 208.503, 208.505, 208.507, 208.612, 208.615, 208.700, 208.705, 208.710, 208.715, 208.720, 217.105, 217.378, 261.105, 261.110, 261.120, 262.460, 421.028, 453.322, 453.325, 476.415, 633.180, 633.185, 660.016, 660.019, 660.020, 660.021, 660.530, 660.532, 660.534, 660.535, 660.537, 660.539, 660.541, 660.543, 660.545, and 660.725, RSMo, and to enact in lieu thereof four new sections for the sole purpose of repealing unfunded and obsolete programs.

SECTION

- A. Enacting clause.
- 191.425. Program established, eligibility — contracting authority — conditional on receipt of federal funding — sunset provision.
- 198.527. Inspectors and surveyors of long-term care facilities — uniformity of application of regulation standards.
- 208.153. Medical assistance — regulations as to costs and manner — federal medical insurance benefits may be provided.
- 208.178. Health insurance coverage through Medicaid, eligibility — rules — sunset provision.
- 37.115. Duplicating equipment unit.
- 37.125. Records management center.
- 37.300. Definitions.
- 37.310. Forms management unit established — agencies to cooperate.
- 37.320. Director, appointment, qualifications — staff to be employed under system.
- 37.330. Unit's powers and duties.
- 37.340. Standardization of forms and business materials — approval for agencies' forms required.
- 37.360. Unit to furnish services to whom.
- 37.370. Agencies to designate employee as records coordinator, duties.
- 37.390. Failure to obtain approval of unit — personal liability.
- 37.500. Central registry, office of administration duties.
- 42.014. Development of veterans' programs encouraged — rulemaking authority — sunset provision.
- 42.015. Veterans' Historical Education Trust Fund established — deposit and investment of funds — use of funds.
- 160.375. Program established, purpose — mentor qualifications — rulemaking authority — fund established, use of moneys — sunset provision.
- 160.542. Research-based reform program — rules — grants.
- 160.950. Fund created, use of moneys — grants to be awarded, procedure — rulemaking authority — report — sunset provision.
- 161.182. Disability determinations under Federal Social Security Act — disability freeze fund.
- 161.235. Student suicide prevention programs, competitive grants, training, reports, rules.
- 161.800. Program established — definitions — reimbursement of volunteers and parents donating time — rulemaking authority — fund established — sunset provision.
- 162.1010. New schools pilot project established — management of schools, bids — eligible schools — exemptions — evaluation.
- 162.1168. Pilot program created — grants to be awarded — definitions — program requirements — rulemaking authority — fund created — sunset provision.
- 167.229. Model school wellness program established, purpose — grants awarded, use of moneys — rulemaking authority — sunset provision.
- 167.290. Citation of law.
- 167.292. Definitions.
- 167.294. Program established — appropriations — administration.
- 167.296. Extended day child care fund established — administration — use of funds — expenses.
- 167.298. Board may promulgate rules and regulations, procedure.
- 167.300. Application for grant — matching contributions — reapplication.
- 167.302. Grants — amounts — distribution.
- 167.304. Approval of grant, criteria — standards to be met.

- 167.306. Program enrollment priorities — adoption of priorities prerequisite for approval of grant — fee schedule — waiver of fees.
- 167.308. District shall not require nor prohibit personnel to participate in program.
- 167.310. Program shall be self-supporting — sources of revenues — use of revenues.
- 167.320. Citation of law — area vocational learning center defined.
- 167.322. System of alternative education established — eligibility, qualifications.
- 167.324. Area vocational learning centers to provide services — responsibility for academic and vocational assessment — basic skills instruction.
- 167.326. Transportation.
- 167.328. May attend area vocational learning center on full- or part-time basis.
- 167.330. Classes — number of students — offered, when.
- 167.332. Department to evaluate and assess needs — detailed instruction plan to be submitted — receipt of state aid — year-end student reports — new centers funded on priority basis.
- 168.430. Missouri teacher corps program — recruits — eligibility — duties — compensation — rules.
- 168.550. Law, how cited.
- 168.555. Definitions.
- 168.560. Critical need areas, how designated.
- 168.565. Loan standards and qualifications — rulemaking procedure.
- 168.570. Parties to loan contract.
- 168.575. Amount of loans.
- 168.580. Missouri prospective teacher loan fund established, purpose — funding — administration.
- 168.585. Commissioner of higher education, powers.
- 168.590. Coordinating board to determine rules regulating loans.
- 168.595. Loans in default, department of revenue to assist.
- 168.600. Missouri critical teacher shortage forgivable loan program — eligibility requirements — amount of loan — repayment — rules.
- 169.580. Certain retired teachers may be employed as special advisors — duties — salary.
- 170.254. Grants for acquisition of computer and telecommunications technology equipment — limitation.
- 173.053. Board to request appropriations based on number of students receiving Pell grants — rulemaking authority.
- 173.055. Institution risk sharing program, defaulted student loans — definitions — duties of department — risk share revolving fund, created, purposes — institutional fee, amount, collection — loan guarantors, data, duty to report.
- 173.198. Undergraduate program established, administration, qualifying degrees — amount — eligibility — exit examinations, analysis of — renewal.
- 173.199. Graduate fellowship program established, administration, qualifying degrees — amount — eligibility — restrictions.
- 173.267. Missouri educational employees' memorial scholarship, program, administration, fund, qualifications, transfers, refunds.
- 173.500. Research and projects to stimulate economic opportunity.
- 173.510. Definitions.
- 173.515. Higher education research fund — administration — reports.
- 173.520. Selection of research projects, procedure.
- 173.525. Fund, uses and limitations — contribution from other sources, requirements — higher education applied projects, funding.
- 173.530. Ownership of resulting copyrights, patents — equipment — supplies.
- 173.535. Administrative costs and expenses, how paid — project selection by board to be final.
- 173.545. Higher education applied projects fund established — administration — report — funds allocated by department of economic development, requirements.
- 173.550. Selection of applied projects — University of Missouri not eligible.
- 173.555. Fund uses and limitations — contributions from other sources, requirements — selections by department to be final.
- 173.560. Ownership of resulting copyrights, patents — equipment — supplies.
- 173.565. Administrative costs and expenses — how paid.
- 173.724. Higher education artistic scholarship program — definitions — administration — eligibility — transfer — rules, promulgation, procedure.
- 173.727. Graduate study scholarship program — definitions — administration — eligibility — terms — renewability promulgation, procedure.
- 191.390. Program created — panel to be appointed, duties.
- 191.727. Educational program to be established for physicians — departments of health and senior services and mental health, duties.
- 191.733. Hot line information on substance abuse treatment for pregnant women to be established.
- 191.735. Multidisciplinary teams to be established, duties — qualifications, expenses — team training content.
- 191.741. High risk pregnancy to be identified by protocol established by the department of health and senior services — services to be offered.

- 191.745. Tests to be made on women and infants at time of delivery — samples to be sent without identification to laboratory — prenatal tests may be made, when.
- 191.909. Reports required, contents.
- 192.640. Definitions.
- 192.642. Osteoporosis prevention and education program, components — needs assessment, determinations.
- 192.644. Osteoporosis advisory council, appointment, purpose — members — costs.
- 192.729. Systemic lupus erythematosus program established — expansion of existing programs permitted — rulemaking authority.
- 193.295. Local registrar's fees for transmission of records to state — exceptions.
- 193.305. Certification and payment of fees by state.
- 198.086. Demonstration project, Alzheimer's licensure category — department duties — accommodations for family members.
- 198.531. Aging-in-place pilot program established — program requirements and monitoring — rulemaking authority.
- 207.150. Housing assistance, provided by division, limitations on amount and duration, rules.
- 208.179. Receipt of medical assistance while receiving unemployment compensation, pilot project — scope of services — payment of premiums — rules, procedure.
- 208.192. Certain Medicaid data to be made available on website — sunset provision.
- 208.202. Premium offset program, pilot project authorized, eligibility.
- 208.309. Pilot projects authorized, where — definitions.
- 208.311. Purpose of EVE projects.
- 208.313. Division of aging, duties — application, contents.
- 208.315. Expansion of projects.
- 208.335. Community revitalization, definitions, agencies strategies, community plan components, resources, waivers required.
- 208.500. Transitional benefits demonstration project — definitions.
- 208.503. Selection of applicants — services, limit — eligibility.
- 208.505. Division to conduct research, make recommendations.
- 208.507. Acquisition of waivers — rulemaking, procedure.
- 208.612. One-stop shopping for elderly citizens to apply for programs.
- 208.615. Unmet needs report.
- 208.700. Title — definitions.
- 208.705. Work first program, participants deemed employees, benefits.
- 208.710. Supplemental wage assistance employment position created — violations, procedure.
- 208.715. Refusal of employment, exceptions to sanctioning of recipient.
- 208.720. Employer list maintained for supplemental wage assistance programs — list available to public.
- 217.105. Corrections officer certification commission established — definitions — members, qualifications, removal, vacancies, compensation — duties — classifications may be established — records.
- 217.378. Regimented discipline program (boot camp) established, rules — eligibility — sentence by court, when — probation, when — failure to complete program, effect.
- 261.105. Demonstration awards — technology and strategy in food and fiber production — rule authorization, procedure.
- 261.110. Department of agriculture to develop standards and labeling for organic farming — rulemaking authority.
- 261.120. Organic production and certification fee fund created.
- 262.460. May pay fifty percent of cash premiums offered by local agricultural fairs, when — director and fair buildings defined.
- 421.028. Registration of bedding manufacturers, renovators and sanitizers — permits issued, procedure, fees.
- 453.322. Definitions.
- 453.325. Grandparents as foster parents program established — eligibility requirements — services provided.
- 476.415. Commission on judicial resources, established — members, terms — access to reports, when — staff allowed, assistance rendered, when.
- 633.180. Cash stipend, eligibility, amount, payment, use — application.
- 633.185. Family support loan program — interest rate — amount — application — family support loan program fund created.
- 660.016. Loans for physicians and nurses — health care initiatives — transitional Medicaid expenses of certain AFDC recipients — designation of funds.
- 660.019. Definitions.
- 660.020. Caseload standards.
- 660.021. Caseload standards committee created, members, duties.
- 660.530. Definitions.
- 660.532. Combined centers grants program, purposes — grants awarded to existing or new programs, what costs to be paid.
- 660.534. Pilot project rules authorized — promulgation, procedure.
- 660.535. Public and private organizations eligible for grants — two or more may join for purposes of program.
- 660.537. Publicizing of available funds for program — duties of director.
- 660.539. Applications for grants, forms, content.

- 660.541. Director may require modifications — amount of grant — certain funds not to be transferable or substituted.
- 660.543. Grantee to furnish report to director, content.
- 660.545. Director to make annual report, content.
- 660.725. Transportation of elderly person's for health care-related services — program authorized in each area agency on aging — sunset provision.

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

SECTION A. ENACTING CLAUSE. — Sections 37.115, 37.125, 37.300, 37.310, 37.320, 37.330, 37.340, 37.360, 37.370, 37.390, 37.500, 42.014, 42.015, 160.375, 160.542, 160.950, 161.182, 161.235, 161.800, 162.1010, 162.1168, 167.229, 167.290, 167.292, 167.294, 167.296, 167.298, 167.300, 167.302, 167.304, 167.306, 167.308, 167.310, 167.320, 167.322, 167.324, 167.326, 167.328, 167.330, 167.332, 168.430, 168.550, 168.555, 168.560, 168.565, 168.570, 168.575, 168.580, 168.585, 168.590, 168.595, 168.600, 169.580, 170.254, 173.053, 173.055, 173.198, 173.199, 173.267, 173.500, 173.510, 173.515, 173.520, 173.525, 173.530, 173.535, 173.545, 173.550, 173.555, 173.560, 173.565, 173.724, 173.727, 191.390, 191.425, 191.727, 191.733, 191.735, 191.741, 191.745, 191.909, 192.640, 192.642, 192.644, 192.729, 193.295, 193.305, 198.086, 198.527, 198.531, 207.150, 208.153, 208.178, 208.179, 208.192, 208.202, 208.309, 208.311, 208.313, 208.315, 208.335, 208.500, 208.503, 208.505, 208.507, 208.612, 208.615, 208.700, 208.705, 208.710, 208.715, 208.720, 217.105, 217.378, 261.105, 261.110, 261.120, 262.460, 421.028, 453.322, 453.325, 476.415, 633.180, 633.185, 660.016, 660.019, 660.020, 660.021, 660.530, 660.532, 660.534, 660.535, 660.537, 660.539, 660.541, 660.543, 660.545, and 660.725, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 191.425, 198.527, 208.153, and 208.178, to read as follows:

191.425. PROGRAM ESTABLISHED, ELIGIBILITY — CONTRACTING AUTHORITY — CONDITIONAL ON RECEIPT OF FEDERAL FUNDING — SUNSET PROVISION. — 1. Upon receipt of federal funding in accordance with subsection 4 of this section, there is hereby established within the department of health and senior services the "Women's Heart Health Program" to provide heart disease risk screening to uninsured and underinsured women.

2. The following women shall be eligible for program services:

- (1) Women between the ages of thirty-five and sixty-four years;
- (2) Women who are receiving breast and cervical cancer screenings under the Missouri show me healthy women program;
- (3) Women who are uninsured or whose insurance does not provide coverage for heart disease risk screenings; and
- (4) Women with a gross family income at or below two hundred percent of the federal poverty level.

3. The department shall contract with health care providers who are currently providing services under the Missouri show me healthy women program to provide screening services under the women's heart health program. Screening shall include but not be limited to height, weight, and body mass index (BMI), blood pressure, total cholesterol, HDL, and blood glucose. Any woman whose screening indicates an increased risk for heart disease shall be referred for appropriate follow-up health care services and be offered lifestyle education services to reduce her risk for heart disease.

4. The women's heart health program shall be subject to receipt of federal funding which designates such funding for heart disease risk screening to uninsured and underinsured women. In the event that federal funds are not available for such program, the department shall not be required to establish or implement the program.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset three years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset three years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

198.527. INSPECTORS AND SURVEYORS OF LONG-TERM CARE FACILITIES — UNIFORMITY OF APPLICATION OF REGULATION STANDARDS. — To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of health and senior services shall:

(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training and testing requirements for the position. Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors and surveyors;

(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies in regulation application. At a minimum, [the Missouri on-site surveyor evaluation process, and] the number and type of actions overturned by the informal dispute resolution process under section 198.545 and formal appeal shall be used as part of the evaluation. Based on such evaluation, the department shall develop standards and a retraining process for the region, state, or individual inspector or surveyor, as needed;

(3) In addition to the provisions of subdivisions (1) and (2) of this section, the department shall develop a single uniform comprehensive and mandatory course of instruction for inspectors/surveyors on the practical application of enforcement of statutes, rules and regulations. Such course shall also be open to attendance by administrators and staff of facilities licensed pursuant to this chapter.

208.153. MEDICAL ASSISTANCE — REGULATIONS AS TO COSTS AND MANNER — FEDERAL MEDICAL INSURANCE BENEFITS MAY BE PROVIDED. — 1. Pursuant to and not inconsistent with the provisions of sections 208.151 and 208.152, the MO HealthNet division shall by rule and regulation define the reasonable costs, manner, extent, quantity, quality, charges and fees of MO HealthNet benefits herein provided. The benefits available under these sections shall not replace those provided under other federal or state law or under other contractual or legal entitlements of the persons receiving them, and all persons shall be required to apply for and utilize all benefits available to them and to pursue all causes of action to which they are entitled. Any person entitled to MO HealthNet benefits may obtain it from any provider of services with which an agreement is in effect under this section and which undertakes to provide the services, as authorized by the MO HealthNet division. At the discretion of the director of the MO HealthNet division and with the approval of the governor, the MO HealthNet division is authorized to provide medical benefits for participants receiving public assistance by expending funds for the payment of federal medical insurance premiums, coinsurance and deductibles pursuant to the provisions of Title XVIII B and XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), as amended.

2. [Subject to appropriations and pursuant to and not inconsistent with the provisions of this section and sections 208.151 and 208.152, the MO HealthNet division shall by rule and regulation develop pay-for-performance payment program guidelines. The pay-for-performance payment program guidelines shall be developed and maintained by the professional services payment committee, as established in section 208.197. Providers operating under a risk-bearing care coordination plan and an administrative services organization plan shall be required to participate in a pay-for-performance payment program, and providers operating under the state coordinated fee-for-service plan shall participate in the pay-for-performance payment program. Any employer of a physician whose work generates all or part of a payment under this

subsection shall pass the pertinent portion, as defined by departmental regulation, of the pay-for-performance payment on to the physician, without any corresponding decrease in the compensation to which that provider would otherwise be entitled.

3.] MO HealthNet shall include benefit payments on behalf of qualified Medicare beneficiaries as defined in 42 U.S.C. section 1396d(p). The family support division shall by rule and regulation establish which qualified Medicare beneficiaries are eligible. The MO HealthNet division shall define the premiums, deductible and coinsurance provided for in 42 U.S.C. section 1396d(p) to be provided on behalf of the qualified Medicare beneficiaries.

[4.] 3. MO HealthNet shall include benefit payments for Medicare Part A cost sharing as defined in clause (p)(3)(A)(i) of 42 U.S.C. 1396d on behalf of qualified disabled and working individuals as defined in subsection (s) of section 42 U.S.C. 1396d as required by subsection (d) of section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The MO HealthNet division may impose a premium for such benefit payments as authorized by paragraph (d)(3) of section 6408 of P.L. 101-239.

[5.] 4. MO HealthNet shall include benefit payments for Medicare Part B cost sharing described in 42 U.S.C. Section 1396(d)(p)(3)(A)(ii) for individuals described in subsection 2 of this section, but for the fact that their income exceeds the income level established by the state under 42 U.S.C. Section 1396(d)(p)(2) but is less than one hundred and ten percent beginning January 1, 1993, and less than one hundred and twenty percent beginning January 1, 1995, of the official poverty line for a family of the size involved.

[6.] 5. For an individual eligible for MO HealthNet under Title XIX of the Social Security Act, MO HealthNet shall include payment of enrollee premiums in a group health plan and all deductibles, coinsurance and other cost-sharing for items and services otherwise covered under the state Title XIX plan under Section 1906 of the federal Social Security Act and regulations established under the authority of Section 1906, as may be amended. Enrollment in a group health plan must be cost effective, as established by the Secretary of Health and Human Services, before enrollment in the group health plan is required. If all members of a family are not eligible for MO HealthNet and enrollment of the Title XIX eligible members in a group health plan is not possible unless all family members are enrolled, all premiums for noneligible members shall be treated as payment for MO HealthNet of eligible family members. Payment for noneligible family members must be cost effective, taking into account payment of all such premiums. Non-Title XIX eligible family members shall pay all deductible, coinsurance and other cost-sharing obligations. Each individual as a condition of eligibility for MO HealthNet benefits shall apply for enrollment in the group health plan.

[7.] 6. Any Social Security cost-of-living increase at the beginning of any year shall be disregarded until the federal poverty level for such year is implemented.

[8.] 7. If a MO HealthNet participant has paid the requested spenddown in cash for any month and subsequently pays an out-of-pocket valid medical expense for such month, such expense shall be allowed as a deduction to future required spenddown for up to three months from the date of such expense.

208.178. HEALTH INSURANCE COVERAGE THROUGH MEDICAID, ELIGIBILITY — RULES — SUNSET PROVISION. — 1. On or after July 1, 1995, the department of social services may make available for purchase a policy of health insurance coverage through the Medicaid program. Premiums for such a policy shall be charged based upon actuarially sound principles to pay the full cost of insuring persons under the provisions of this section. The full cost shall include both administrative costs and payments for services. Coverage under a policy or policies made available for purchase by the department of social services shall include coverage of all or some of the services listed in section 208.152 as determined by the director of the department of social services. Such a policy may be sold to a person who is otherwise uninsured and who is:

(1) A surviving spouse eligible for coverage under sections 376.891 to 376.894, who is determined under rules and regulations of the department of social services to be unable to afford continuation of coverage under that section;

(2) An adult over twenty-one years of age who is not pregnant and who resides in a household with an income which does not exceed one hundred eighty-five percent of the federal poverty level for the applicable family size. Net taxable income shall be used to determine that portion of income of a self-employed person; or

(3) A dependent of an insured person who resides in a household with an income which does not exceed one hundred eighty-five percent of the federal poverty level for the applicable family size.

2. Any policy of health insurance sold pursuant to the provisions of this section shall conform to requirements governing group health insurance under chapters 375, 376, and 379.

3. The department of social services shall establish policies governing the issuance of health insurance policies pursuant to the provisions of this section by rules and regulations developed in consultation with the department of insurance, financial institutions and professional registration.

4. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset one year after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset one year 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.

[37.115. DUPLICATING EQUIPMENT UNIT. — The commissioner of administration shall establish a duplicating equipment unit to inventory and coordinate the use of state-owned duplicating equipment, regardless of kind or type, and all supporting equipment for same. This unit, in cooperation with the state director of the division of purchasing, shall schedule and coordinate work for the various agencies so that all equipment can be used to its fullest extent.]

[37.125. RECORDS MANAGEMENT CENTER. — The commissioner of administration shall establish a records management center within the office which shall maintain equipment capable of handling large volumes of data stored on magnetic film or other mechanical record keeping equipment. Access to files or records kept by this unit shall be governed by a central processing unit capable of handling simultaneous inquiries within nanoseconds.]

[37.300. DEFINITIONS. — As used in sections 37.300 to 37.390, the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

(1) "Agency", each state department, office, board, bureau, commission, or other unit of the executive branch of state government except for the department of conservation, the department of transportation, the department of labor and industrial relations, and the University of Missouri;

(2) "Form", every piece of paper, transparent plate, or film containing information, printed, generated, or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving agencies of the state;

(3) "Forms management", the program maintained by the forms management unit to provide continuity of forms design procedures from the form's origin up to its completion as a record by determining the form's size, style and size of type; format; type of construction; number of plies; quality, weight and type of paper and carbon; and by determining the use of the form for data entry as well as the distribution;

(4) "Records coordinator", a person designated by an agency to serve as an information liaison person between the agency and the unit; and

(5) "Unit", the forms management unit created herein.]

[37.310. FORMS MANAGEMENT UNIT ESTABLISHED — AGENCIES TO COOPERATE. — A "Forms Management Unit" is hereby established within the office of administration. The unit shall develop a forms management program for state agencies, and shall implement the provisions of sections 37.300 to 37.390, 109.250 and 181.100 to 181.110. Each agency shall fully cooperate with the unit, and shall furnish all requested information and assistance.]

[37.320. DIRECTOR, APPOINTMENT, QUALIFICATIONS — STAFF TO BE EMPLOYED UNDER SYSTEM. — 1. The commissioner of administration shall appoint a director as the executive head of the unit. The director must be experienced in the principles of information and forms management, archives, and the affairs and organization of state government. He or she shall be a person who is qualified by training and experience to administer the affairs of the unit.

2. The director shall appoint such staff as may be necessary to implement the provisions of sections 37.300 to 37.390, 109.250 and 181.100 to 181.110. All staff members shall be appointed pursuant to the provisions of chapter 36.]

[37.330. UNIT'S POWERS AND DUTIES. — The forms management unit shall:

(1) Establish a forms management program for state government including the design, typography, format, logo, data sequence, form analysis, form number, and agency file specifications;

(2) Establish a central state form numbering system and a central cross-index filing system of all state forms, and shall standardize, consolidate and eliminate, wherever possible, forms used by state government;

(3) Approve and provide camera-ready copy or original artwork for all forms to be printed;

(4) Require that all new or revised forms be purchased or printed only after approval of the unit;

(5) Cooperate with the state records commission in developing and implementing record retention schedules; and

(6) Have authority to examine and catalog all forms used or requested by agencies.]

[37.340. STANDARDIZATION OF FORMS AND BUSINESS MATERIALS — APPROVAL FOR AGENCIES' FORMS REQUIRED. — The unit shall be responsible for the design, redesign, numbering, and standardization of all forms used by state agencies. The unit may consolidate forms so as to be usable for more than one purpose, shall eliminate outdated, obsolete and unneeded forms, and shall give assistance to agencies in designing forms so as to provide for more useful information. No agency shall print or have printed any new or revised form until such form has been approved by the unit. The unit shall attempt to standardize letterheads, business cards, envelopes and other similar materials so that economies of scale may be readily obtained. In designing forms for agencies, the unit shall confer with appropriate representatives of the agency to determine that only such information as is necessary or relevant to the agency's functions is being collected on forms of the agency.]

[37.360. UNIT TO FURNISH SERVICES TO WHOM. — The unit shall offer its services to agencies within the legislative and judicial branches of government, and to those agencies of the executive branch which are otherwise excepted from the provisions of sections 37.300 to 37.390, 109.250 and 181.100 to 181.110.]

[37.370. AGENCIES TO DESIGNATE EMPLOYEE AS RECORDS COORDINATOR, DUTIES. — Each agency shall designate at least one employee as a records coordinator. The records

coordinator shall, on behalf of the agency, be responsible for seeing that every form used by the agency is presented to the unit for cataloging and identification and shall be responsible for ensuring that record retention programs established by the state records commission are being followed and observed.]

[37.390. FAILURE TO OBTAIN APPROVAL OF UNIT — PERSONAL LIABILITY. — Any purchase made which is contrary to the provisions of sections 37.300 to 37.390 shall not result in any liability to the state, but the person authorizing such purchase shall be personally liable for any debt so incurred.]

[37.500. CENTRAL REGISTRY, OFFICE OF ADMINISTRATION DUTIES. — The office of administration shall establish a central registry in which accredited not-for-profit human service providers may submit confirmation of accreditation by a nationally recognized accrediting body and related information. The office of administration shall issue a vendor number to be recognized for state purchasing.]

[42.014. DEVELOPMENT OF VETERANS' PROGRAMS ENCOURAGED — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. The Missouri general assembly shall, through appropriations as provided by law, encourage the development of any veterans' programs approved by the executive director of the veterans' commission whereby the historical significance of veteran service can be dedicated to education inside public schools, veteran cemeteries, veteran homes, and other institutions as determined by rule and regulation.

2. The lieutenant governor shall administer the provisions of this section and may adopt all rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly 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.

3. 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 August 28, 2004, 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.]

[42.015. VETERANS' HISTORICAL EDUCATION TRUST FUND ESTABLISHED—DEPOSIT AND INVESTMENT OF FUNDS — USE OF FUNDS. — 1. In order to contribute to the preservation of freedom, there is established in the state treasury a special trust fund, to be known as the "Veterans' Historical Education Trust Fund". The fund shall be administered by the lieutenant governor for the sole purpose of financing veterans' education programs established in section 42.014.

2. The director of revenue shall deposit in the treasury to the credit of the veterans' historical education trust fund all amounts received by or designated to the fund established pursuant to this section and any other amounts which may be received from grants, gifts, bequests, appropriations, the federal government, or other sources granted or given for this specific purpose. The state treasurer shall invest moneys in the veterans' historical education trust

fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the veterans' historical education trust fund shall be credited to the veterans' historical education trust fund.

3. As established by this section, funds appropriated by the general assembly from the veterans' historical education trust fund shall only be used by the lieutenant governor for purposes authorized pursuant to section 42.014 and shall not be used to supplant any existing program or service.

4. The provisions of section 33.080 requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the general revenue fund of this state at the end of each biennium shall not apply to the veterans' historical education trust fund.]

[160.375. PROGRAM ESTABLISHED, PURPOSE — MENTOR QUALIFICATIONS — RULEMAKING AUTHORITY — FUND ESTABLISHED, USE OF MONEYS — SUNSET PROVISION.

— 1. There is hereby established the "Missouri Senior Cadets Program", which shall be administered by the department of elementary and secondary education. The program shall encourage high school seniors to mentor kindergarten through eighth grade students in their respective school districts for a minimum of ten hours per week during the school year.

2. In order to be a mentor in the program, a student must:

(1) Be a Missouri resident who attends a Missouri high school;

(2) Possess a cumulative grade point average of at least three on a four-point scale or equivalent; and

(3) Plan to attend college.

3. The department of elementary and secondary education shall promulgate rules to implement this section, which shall include, but may not be limited to, guidelines for school districts and mentors in the 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, 2009, shall be invalid and void.

4. The mentor shall work with the school principal, classroom teachers, and other applicable school personnel in planning and implementing the mentoring plan. Such mentoring may occur before, during, or after school.

5. If a mentor in the program successfully provides mentoring services for an average of at least ten hours per week during a school year, the following shall apply, subject to appropriations:

(1) The mentor shall receive one hour of elective class credit, which may satisfy graduation requirements; and

(2) Should the mentor attend college with the stated intention of becoming a teacher, the mentor shall be reimbursed, subject to appropriation, by the department of elementary and secondary education for the costs of three credit hours per semester for a total of no more than eight semesters.

6. There is hereby established in the state treasury a fund to be known as the "Missouri Senior Cadets Fund", which shall consist of all moneys that may be appropriated to it by the general assembly, and in addition may include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. The fund shall be administered by the department of elementary and secondary education. 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, moneys in the fund shall be used solely for the administration of the Missouri senior cadets program. 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.

7. Pursuant to section 23.253 of the Missouri sunset act:

(1) Any new program authorized under this section shall automatically sunset six years after August 28, 2009, 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 a program authorized under this section is sunset.]

[160.542. RESEARCH-BASED REFORM PROGRAM — RULES — GRANTS. — 1. There is hereby established within the department of elementary and secondary education, the "Research-based Reform Program", to be administered by the commissioner of education. The program shall consist of grant awards made to public schools from funds appropriated by the general assembly, demonstrating a commitment to undertake whole-school reforms that research has shown to be effective in improving student performance and sustaining measurable improvement after implementation. Grants shall require a matching contribution from the school district in which the school is located and shall run for up to three years. Funding for the second year shall be contingent upon each school's performance in setting up the chosen program, and funding for the third year shall be contingent upon second-year performance.

2. The state board of education shall promulgate rules for the initial approval, second- and third-year funding of grants made under the program. The rules shall contain a method for determining the amount of the matching funds required from the district in which the grantee school is located. Such rules shall include a list of research-based reform programs that the state board of education determines can be reliably replicated under urban, suburban and rural conditions. The list shall be coordinated with the federal Comprehensive School Reform Initiative to enable Missouri schools to be eligible for the moneys made available by the federal program. The department shall develop a method to evaluate the effectiveness of each school's implementation of the chosen research-based program for purposes of granting or denying second-year funding.

3. The grant program shall provide sufficient technical assistance to ensure that small schools that lack personnel with expertise in applying for grants are not prevented from applying. Added priority shall be given to schools which have been designated as academically deficient pursuant to section 160.538. Added priority shall be given to groups of schools that form consortia for the purpose of applying for the grant funds as a means of encouraging schools in isolated areas to participate. However, nothing in this subsection shall be construed as prohibiting consortia in more densely populated areas of the state from seeking such priority on grants under this program.

4. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, the speaker of the house of representatives and the president pro tempore of the senate.

5. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.]

[160.950. FUND CREATED, USE OF MONEYS — GRANTS TO BE AWARDED, PROCEDURE — RULEMAKING AUTHORITY — REPORT — SUNSET PROVISION. — 1. There is hereby created in the state treasury the "Persistence to Graduation Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve

disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The fund shall be administered by the department of elementary and secondary education.

2. The department of elementary and secondary education shall establish a procedure whereby seven-director, urban, and metropolitan school districts may apply for grant awards from the persistence to graduation fund in order for such districts to implement drop-out prevention strategies. Successful applicants under this section shall be awarded grants for one to five consecutive years. Upon expiration of the initial grant, the district may reapply for an extension of the grant award for a period of time deemed appropriate by both the district and the department. The department of elementary and secondary education shall give preference to school districts that propose a holistic approach to drop-out prevention, directed at a broad array of students, from the pre-kindergarten level through early adulthood, including the following characteristics:

(1) A collaborative approach between the school district and various community organizations, including nonprofit organizations, local governmental organizations, law enforcement agencies, approved public institutions and approved private institutions as such terms are defined in section 173.1102, and institutions able to deliver proven, research-based intervention services;

(2) Early intervention strategies, including family engagement, early childhood education, early literacy development, family literacy, and mental health detection and treatment;

(3) Increased accountability measures that track at-risk students that leave the district;

(4) The implementation or augmentation of the following basic core strategies for drop-out prevention:

(a) Mentoring;

(b) Tutoring;

(c) Alternative schooling;

(d) Career and technical education; and

(e) Before- or after-school programs;

(5) The implementation of early intervention strategies for students who display strong indicators that they will not persist to graduation.

3. Subject to appropriation, grants awarded under this section shall be available to school districts that have a student population of which sixty percent or greater is eligible for a free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department of elementary and secondary education in accordance with applicable federal regulations.

4. The department of elementary and secondary education shall promulgate rules, no later than January 15, 2010, for the implementation of this section, including:

(1) A procedure by which funds shall be allocated to the applying school districts; and

(2) A means to judge the effectiveness of the drop-out prevention programs of the districts that receive grants under this 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, 2009, shall be invalid and void.

5. The department of elementary and secondary education may cease award payments to any district at any time if the department determines that such funds are being misused or if the

district's drop-out prevention program is deemed to be ineffectual. Any decision to discontinue payments of such funds shall be presented to the applicable district in writing at least thirty days prior to the cessation of fund payments.

6. The department of elementary and secondary education shall report to the general assembly and to the governor, no later than January fifteenth annually:

- (1) The recipients and amounts of the grants awarded under this section; and
- (2) The persistence to graduation data from the preceding five years for each district awarded grants under this section.

7. Subject to appropriation, the general assembly shall annually appropriate an amount sufficient to fund the provisions of this section.

8. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after August 28, 2009, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

[161.182. DISABILITY DETERMINATIONS UNDER FEDERAL SOCIAL SECURITY ACT — DISABILITY FREEZE FUND. — 1. The state board of education shall enter into an agreement on behalf of the state with the Secretary of the United States Department of Health, Education and Welfare to carry out the provisions of the Federal Social Security Act, as amended, (42 U.S.C.A. 301 et seq.) relating to the making of determinations of disability under such act.

2. All moneys paid by the federal government to the state to carry out the agreement referred to in subsection 1 shall be deposited in the state treasury to the credit of a special fund to be known as the "Disability Freeze Fund", which is hereby created. All moneys in the fund shall be disbursed on warrants issued in accordance with requisitions of the state board of education.]

[161.235. STUDENT SUICIDE PREVENTION PROGRAMS, COMPETITIVE GRANTS, TRAINING, REPORTS, RULES. — 1. Beginning July 1, 2001, the department of elementary and secondary education shall provide a four-year competitive grant program to fund, or defray the cost of, establishment or expansion of student suicide prevention programs. Such programs may also include teacher and administrator training in suicide prevention programs. Such programs may be operated at the district or building level and, if operated, shall be operated at a public elementary or secondary school of this state.

2. Prior to July 1, 2001, the department of elementary and secondary education shall promulgate rules including but not limited to eligibility criteria, how applicant priority is established, the manner in which grant funds may or may not be used, proposed methods and documents of cooperation with the host school or school district in the case of nonschool applicants pursuant to subsection 3 of this section, and the form of grant applications.

3. Grants for the establishment or expansion of student suicide prevention programs may be applied for by either public schools, school districts, political subdivisions, corporations registered pursuant to the laws of this state, partnerships registered pursuant to the laws of this state or not-for-profit corporations as that term is defined in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. In the case of applicants other than schools or school districts, such applicants shall accompany the grant application with a document of cooperation, approved by the department and signed by either the principal of a public school or by the superintendent of a school district, stating that the school or district shall furnish space and time for such program and stating the manner in which such program will be made available to its students.

4. In its grant application the school, school district, political subdivision, corporation, partnership or not-for-profit corporation shall describe any current or any proposed suicide prevention program, show a need for an improved suicide prevention program in the case of an existing program, and explain how it proposes to implement or improve its program with grant funds.

5. The grantee pursuant to this section shall make a report on its suicide prevention program after the second year of the grant to receive funds for years three and four. As part of the mid-grant progress report, the grantee shall report the progress of the program's development, as evidenced by the program's compliance with the original stated goals of the program. The department shall develop rules to determine compliance pursuant to this subsection, allowing for flexibility in application to varying grant projects but supplying rigorous standards so that compliance is measurable and meaningful in the context of the individual grant project.

6. Grants are renewable for an additional four-year term, based in part upon the results of the first grant.

7. Grants shall be distributed in equal amounts within geographic areas established proportionately based upon student population; provided that, funds may be reallocated by the department if an area has insufficient applications or insufficient eligible applications to obligate all funds for the area.

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, 2000, shall be invalid and void.]

[161.800. PROGRAM ESTABLISHED — DEFINITIONS — REIMBURSEMENT OF VOLUNTEERS AND PARENTS DONATING TIME — RULEMAKING AUTHORITY — FUND ESTABLISHED — SUNSET PROVISION. — 1. This section establishes a program for public elementary and secondary schools to increase volunteer and parental involvement. The program shall be known and may be cited as the "Volunteer and Parents Incentive Program". The department of elementary and secondary education shall implement and administer the program.

2. For purposes of this section, the following terms shall mean:

(1) "At-risk student":

(a) A student who is still of school age but whose continued education is in jeopardy because the student is experiencing academic deficits, including but not limited to:

a. Being one or more years behind their age or grade level in mathematics or reading skills through eighth grade or three or more credits behind in the number of credits toward graduation from the ninth grade through twelfth grade;

b. Having low scores on tests of academic achievement and scholastic aptitude;

c. Having low grades and academic deficiencies;

d. Having a history of failure and being held back in school;

e. Having language problems or being from a non-English speaking home; or

f. Not having access to appropriate educational programs.

(b) A student may also be considered "at risk" if the student has any of the following:

a. A parent or sibling who dropped out of school;

b. Experienced numerous family relocations;

c. Poor social adjustment, or deviant social behavior;

d. Employment of more than twenty hours per week while school is in session;

e. Been the victim of racial or ethnic prejudice;

f. Low self-esteem and expectations of teachers, parents, and the community;

g. A poorly educated mother or father;

- h. Children of their own;
 - i. A deprived environment that slows economic and social development;
 - j. A fatherless home;
 - k. Been the victim of personal or family abuse, including substance abuse, emotional abuse, and sexual abuse;
- (2) "Department", the department of elementary and secondary education;
 - (3) "Institution of higher education", a four year college or university located in the state of Missouri;
 - (4) "Program", the volunteer and parents incentive program;
 - (5) "Qualifying public school", a school located in Missouri that:
 - (a) Is located in a school district that has been classified by the state board of education as unaccredited or provisionally accredited; or
 - (b) Has a student population of more than fifty percent at-risk students.
3. The department shall, subject to appropriation, provide a reimbursement to parents or volunteers who donate time at a qualifying public school. For every one hundred hours that a parent or volunteer donates to a qualifying public school, the department shall provide a reimbursement of up to five hundred dollars towards the cost of three credit hours of education from a public institution of higher education located in Missouri. The reimbursement shall occur after completion of the three credit hours of education. The reimbursement amount shall not exceed five hundred dollars every two years.
4. A school district that participates in the program shall verify to the department the time donated by a parent or volunteer.
5. If a school district that participates in the program becomes classified as accredited by the state board of education, the school district may continue to participate in the program for an additional two years.
6. The department of elementary and secondary education shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.
7. There is hereby created in the state treasury the "Volunteer and Parents Incentive Program Fund", which shall consist of general revenue appropriated to the program, funds received from the federal government, and voluntary contributions to support or match program activities. 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 the volunteer and parents incentive program. 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.
8. 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 August 28, 2009, 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
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(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.]

[162.1010. NEW SCHOOLS PILOT PROJECT ESTABLISHED — MANAGEMENT OF SCHOOLS, BIDS — ELIGIBLE SCHOOLS — EXEMPTIONS — EVALUATION. — 1. By July 1, 1995, the state board of education shall have determined and implemented a process to pilot test a revised management system involving three school sites in the state. To be called "The New Schools Pilot Project", the board shall solicit volunteering school districts that will commit to participating in the project for a five-year period.

2. (1) At each of the three school sites in the project, the management of the school shall be vested in a five-member management team selected from bids received by a local board of education, or by a combination of cooperating local boards of education as stipulated by contract agreement between or among such local boards. In the selection of the management team, technical assistance may be provided to the local school board or boards, as requested, by the department of elementary and secondary education. The provisions of other law to the contrary notwithstanding, the state board of education may exempt from certification requirements not more than two members of the management team. One member of the five-member management team shall be designated as principal of the project school.

(2) No bid shall be selected which is submitted by a for-profit corporation. The percent of the school budget allocated for administrative purposes shall not exceed the average percent spent for administrative purposes for the most recently completed school year at other schools operated by the local school board or boards. No member of the management team shall profit in any way from the project other than from salaries received which shall be outlined in each bid submitted.

(3) Using the assessment system established under section 160.518 or until such assessment system is available, using the alternative indicators approved under the provisions of subsection 3 of section 160.518, the state board of education shall make every attempt when selecting schools for participation in this project to select one school which is performing above average, one school which is performing at the average and one school which is performing below average. Under no circumstances shall more than two schools be chosen from any one of the above categories.

3. Staffing and personnel decisions for the schools in the project shall be vested in the management teams for the duration of the project; provided that all certificated staff shall be paid according to the salary schedule adopted by the district. All laws concerning teacher contracts shall apply.

4. No penalty provided for in, or pursuant to, section 160.538 and section 163.023 shall apply for any school participating in the project.

5. The state board of education shall waive, for participating schools, such rules and regulations as it may determine.

6. The commissioner of education shall develop a procedure for the evaluation of the new schools pilot project, including recommended means for expanding desirable elements of the project to other school districts in the state.]

[162.1168. PILOT PROGRAM CREATED — GRANTS TO BE AWARDED — DEFINITIONS — PROGRAM REQUIREMENTS — RULEMAKING AUTHORITY — FUND CREATED — SUNSET PROVISION. — 1. There is hereby established a pilot program within the Missouri preschool project to be known as the "Missouri Preschool Plus Grant Program", which shall serve up to one thousand two hundred fifty students with high-quality early childhood educational services in order to improve school readiness outcomes. The program shall be administered by the department of elementary and secondary education in collaboration with the coordinating board for early childhood. Grants shall be awarded in this section for three years and shall be renewable. The program shall be funded through appropriations to the Missouri preschool plus

grant program fund. Funds from the gaming commission fund created in section 313.835 shall not be used to fund the program.

2. For purposes of this section, the following terms shall mean:

- (1) "Department", the department of elementary and secondary education;
- (2) "Program", the Missouri preschool plus grant program.

3. Grantees shall include the following:

- (1) School districts classified as unaccredited by the state board of education; or
- (2) Nonsectarian community-based organizations located within a school district classified as unaccredited by the state board of education.

4. If a school district becomes classified as provisionally accredited or accredited by the state board of education, the school district may complete the length of an existing grant and shall be eligible for one additional renewal for three years.

5. To receive a preschool placement under this section, a child shall be one or two years away from kindergarten entry.

6. The Missouri preschool plus grant program shall comply with the standards developed under section 161.213. Public school grantees shall employ teachers with a bachelor's degree. Nonsectarian community-based organizations may employ teachers with at least an associate's degree provided such teachers demonstrate they are on the path to obtaining a bachelor's degree within five years.

7. Families with incomes less than one hundred thirty percent of the federal poverty guidelines shall receive free services through eligible grantees. Families with incomes at or above one hundred thirty percent of the federal poverty guidelines may be charged a co-pay on a sliding scale, as established by the department.

8. At least fifty percent of the preschool placements funded by the program shall be offered through nonsectarian community-based organizations.

9. The department shall develop standards for teacher-pupil ratios, classroom size, teacher training and educational attainment, and curriculum.

10. Grantees participating in the program shall give admission preference to dependents of active duty military personnel.

11. School districts in which such pilot programs exist shall collect data about short-term and long-term student performance so that the program may be evaluated on quantitative measurements developed by the department. For purposes of this subsection, "long-term" shall mean from point of entry to graduation from high school.

12. Grantees shall coordinate preschool programs with the nearest parents as teachers site to ensure a continuum of care.

13. The department shall accept applications in a competitive bid process to begin implementation of the program for the 2010-11 school year.

14. The department shall promulgate rules and regulations necessary to implement this section by January 1, 2010. 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.

15. The grants awarded under this section are subject to appropriation.

16. There is hereby created in the state treasury the "Missouri Preschool Plus Grant Program Fund" which shall consist of general revenue appropriated to the program, funds received from the federal government, and voluntary contributions to support or match program activities. 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 this section. Any moneys remaining in the fund at

the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

17. 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 August 28, 2009, 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.]

[167.229. MODEL SCHOOL WELLNESS PROGRAM ESTABLISHED, PURPOSE — GRANTS AWARDED, USE OF MONEYS — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. The department of elementary and secondary education shall establish a "Model School Wellness Program", and any moneys appropriated, other than general revenue, by the general assembly for this program shall be used by selected school districts to establish school-based pilot programs that focus on encouraging students to establish and maintain healthy lifestyles. The moneys appropriated shall be from the Child Nutrition and WIC Reauthorization federal grant money. These programs shall include tobacco prevention education and the promotion of balanced dietary patterns and physical activity to prevent becoming overweight or obese, and discussion of serious and chronic medical conditions that are associated with being overweight. The content of these programs shall address state and national standards and guidelines established by the No Child Left Behind Act, the Healthy People 2010 Leading Health Indicators as compiled by the National Center for Health Statistics, and the Produce for Better Health Foundation's "5 A Day, The Color Way" program.

2. School districts may apply for one-year grants for school year 2005-06 under this section. The department shall establish selection criteria and methods for distribution of funds to school districts applying for such funds. The department shall promulgate rules to implement the provisions of this section.

3. A school district that receives a grant under this section shall use the funds to plan and implement the program in a diverse sampling of schools in each district. The programs shall address students' academic success as well as health concerns, and encourage links between the school and home settings to promote active healthy lifestyles across the students' learning environments. The tobacco prevention initiative shall focus on grades four and five to target students before they transition into middle grades. The obesity prevention programs will cover sequential wellness education across grades kindergarten through fifth grades. These programs shall:

- (1) Be multidisciplinary, addressing academic standards in language arts, math, and health;
- (2) Provide multimedia resources that engage the students;
- (3) Be evidence-based showing successful implementation including positive changes in desired outcomes, such as changes in body mass index or attitudes towards tobacco use;
- (4) Be able to be integrated into the core classroom at the elementary level; and
- (5) Be sustainable and provide open web-based resources to teachers and students across Missouri.

4. Hands-on professional development opportunities shall be provided in local districts for the teachers who will be implementing the program. Ongoing support shall be provided to the teachers and schools during the pilot period.

5. Following the completion of the 2005-06 school year, the department shall evaluate the effectiveness of the model school wellness program in increasing knowledge, changing body

mass index, improving attitudes and behaviors of students related to nutrition, physical activity, or tobacco use.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

7. Pursuant to section 23.353 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset six years after August 28, 2005, 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 1 of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

[167.290. CITATION OF LAW. — Sections 167.290 to 167.310 may be cited as the "Extended Day Child Care Program Act".]

[167.292. DEFINITIONS. — As used in sections 167.290 to 167.310, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Board", the state board of education;

(2) "Contribution", a facility, personnel, transportation, or supplies that are to be used in operating the program;

(3) "District", a seven-director, urban, or metropolitan school district;

(4) "Facility", a school building or other building owned by the school district in which an extended day child care program is operated;

(5) "Fund", the extended day child care fund established according to section 167.296; and

(6) "Program", the extended day child care program established according to sections 167.290 to 167.310.]

[167.294. PROGRAM ESTABLISHED — APPROPRIATIONS — ADMINISTRATION. — 1. The extended day child care program is established to assist any district in establishing before and after school child care programs for school age children who are enrolled in the district and who are between the ages of five and fourteen years and child care programs during school hours for children of students. A district may establish such a program directly or through contract with any not-for-profit corporation.

2. The general assembly may make an annual appropriation to the fund established under section 167.296 for the purpose of providing the state's portion for the grants to the program.

3. The program shall be administered by the state board of education according to the provisions of sections 167.290 to 167.310.]

[167.296. EXTENDED DAY CHILD CARE FUND ESTABLISHED — ADMINISTRATION — USE OF FUNDS — EXPENSES. — 1. The "Extended Day Child Care Fund" is established in the state treasury and shall be administered by the department of elementary and secondary education at the direction of the state board of education. The fund shall consist of moneys appropriated annually by the general assembly from general revenue to the fund and any moneys paid into the state treasury and required by law to be credited to the fund.

2. Moneys in the fund shall be used for grants to districts to provide extended day child care programs according to the provisions of sections 167.290 to 167.310.

3. Expenses of the department of elementary and secondary education in administering the program shall be paid from the fund.

4. Any unexpended balance in the fund at the end of each fiscal year shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.]

[167.298. BOARD MAY PROMULGATE RULES AND REGULATIONS, PROCEDURE. — 1. The board may promulgate all necessary rules and regulations for the implementation of sections 167.290 to 167.310, which may include, but need not be limited to, specifying:

(1) Standards for the hiring of staff for an extended day child care program or for the contracting by the district with a not-for-profit corporation for the establishment of such a program;

(2) Cost and expense standards for the establishment and operation of extended day child care programs within school facilities under various economic conditions;

(3) Fee schedule guidelines which reflect various economic conditions for use by programs that are operating under a grant from the fund;

(4) Minimum staff to child ratios for an extended day child care program;

(5) Physical space requirements for a program, including indoor and outdoor space;

(6) Nutrition requirements for a program;

(7) Standards for the provisions of emergency health services in a program;

(8) Application guidelines and deadlines; and

(9) A method for establishing priority of applicants in the event the number of districts applying for grants exceeds the funds available for distribution in any fiscal year.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.]

[167.300. APPLICATION FOR GRANT — MATCHING CONTRIBUTIONS — REAPPLICATION. — 1. A district wishing to apply for a grant from the fund shall apply to the state board of education in the manner prescribed by the board and shall provide the necessary matching contribution as required by the board.

2. A district that receives a grant in any fiscal year and wishes to receive a grant in the succeeding year must reapply in the manner prescribed by the board. Such application shall be considered by the board only for the expansion of services.

3. A district that receives a grant from the fund to establish a program through contract with a not-for-profit corporation shall ensure that such a corporation meets all of the requirements of sections 167.290 to 167.310.]

[167.302. GRANTS — AMOUNTS — DISTRIBUTION. — 1. The board shall make grants from the fund to approved districts for the establishment or expansion of an extended day child care program. The amount of each grant awarded by the board for establishment or expansion of a program shall not exceed the monetary value of the approved applicant's contribution.

2. In awarding grants, the board shall ensure an adequate distribution to metropolitan, urban and seven-director districts and according to geographic location throughout the state.]

[167.304. APPROVAL OF GRANT, CRITERIA — STANDARDS TO BE MET. — 1. The board may approve a grant from the fund to a district if the district demonstrates to the board that it can:

(1) Provide a physical environment that is safe and appropriate to the various age levels of the children to be served;

(2) If necessary, provide transportation to and from a school or schools to the facility operated by the applicant;

(3) Provide program activities that are appropriate to the various age levels of the children to be served and that meet the developmental needs of each child;

- (4) Provide efficient and effective program administration;
- (5) Provide staff that meets the standards set by the board;
- (6) Provide for nutritional needs of children enrolled in the program;
- (7) Provide emergency health care services to children served by the program; and
- (8) Operate an extended day child care program in accordance with the cost and expense standards set by the board.

2. No district operating an extended day child care program directly or through contract with a not-for-profit corporation shall be required to meet any standards except those of the state board of education promulgated according to sections 167.290 to 167.310. A district may voluntarily meet state day care provider licensing requirements promulgated under chapter 210.]

[167.306. PROGRAM ENROLLMENT PRIORITIES — ADOPTION OF PRIORITIES PREREQUISITE FOR APPROVAL OF GRANT — FEE SCHEDULE — WAIVER OF FEES. — 1. The board may not approve a grant from the fund to a district unless the district agrees to adopt the following program enrollment priorities:

- (1) First priority shall be given to programs for children in grades kindergarten through three;
- (2) Second priority shall be given to programs for children in grades four through six; and
- (3) Third priority shall be given to programs for children in grades seven through nine.

2. The board shall not approve a grant from the fund to a district unless the district agrees to adopt fee schedule guidelines set by the board under 167.298, except as provided in this section.

3. A district shall charge a parent or guardian an established fee for the enrollment of a child in an extended day child care program. A parent or guardian, who believes his or her income is insufficient to afford the district's established fee, may apply to the district for a waiver of all or part of the fee. A district, at its discretion, may waive all or part of the enrollment fee for a child whose family income is insufficient to afford the established fee. In waiving all or part of such fees, the district shall give due consideration to the provisions of section 167.310.]

[167.308. DISTRICT SHALL NOT REQUIRE NOR PROHIBIT PERSONNEL TO PARTICIPATE IN PROGRAM. — No district applying for funds under sections 167.290 to 167.310 shall require as a condition of employment that any full-time certificated personnel of the district must participate in any way in the operation of an extended day child care program in the district. No full-time certificated personnel employed in a district operating an extended day child care program shall be prohibited from seeking employment in such a program. Such requirement or prohibition shall be grounds for disapproving an application.]

[167.310. PROGRAM SHALL BE SELF-SUPPORTING — SOURCES OF REVENUES — USE OF REVENUES. — A district's extended day child care program shall be self-supporting. The district may use as funds to support its program state aid received according to sections 167.290 to 167.310; fees charged to parents and guardians, except as waived according to section 167.306; gifts, grants or other bequests from private sources received for the purposes of sections 167.290 to 167.310; any federal or local government aid appropriated for the purposes of sections 167.290 to 167.310; or local district revenues. No district may use for matching funds for participation in this program or for the operation of an extended day child care program any state aid received for any other purpose, nor shall a district use moneys in the teachers' fund for the payment of salaries to personnel employed in an extended day child care program.]

[167.320. CITATION OF LAW — AREA VOCATIONAL LEARNING CENTER DEFINED. — 1. Sections 167.320 to 167.332 shall be known and may be cited as the "Alternative Education Act".

2. As used in sections 167.320 to 167.332, "area vocational learning center" means a location or locations within a district that has state board of education designation as an area vocational school district.]

[167.322. SYSTEM OF ALTERNATIVE EDUCATION ESTABLISHED — ELIGIBILITY, QUALIFICATIONS. — There is hereby created and established, subject to the availability of appropriations made for that purpose, a system of alternative education for Missouri citizens who qualify under sections 167.320 to 167.332. This system of alternative education shall be available to any citizen of Missouri who:

(1) Is currently a student in a school system of Missouri and is experiencing difficulty in academic, disciplinary, social, economic, or other areas relating to the student's ability to become a productive member of the work force after graduation, and is identified by the resident's district as a potential dropout; or

(2) Is currently of an age to qualify for public school enrollment but has dropped out of school and is willing to reenroll in his resident district for the purpose of attending alternative education classes; or

(3) Is a graduate of high school or holds an equivalent diploma and is experiencing difficulty in finding a job or sustaining employment or who wishes to further his vocational training; or

(4) Does not have a high school diploma or an equivalent diploma and who is experiencing difficulty in finding a job or sustaining employment or who wishes to further his vocational training.]

[167.324. AREA VOCATIONAL LEARNING CENTERS TO PROVIDE SERVICES — RESPONSIBILITY FOR ACADEMIC AND VOCATIONAL ASSESSMENT — BASIC SKILLS INSTRUCTION. — 1. Area vocational learning centers shall, in addition to any services currently being provided, provide extended day services for three hours during the evening or other times convenient to the qualifying student for the purpose of furnishing alternative education to those who qualify under sections 167.320 to 167.332 and enroll in such services.

2. Area vocational learning centers shall be responsible for providing academic and vocational assessment, which may include, but is not limited to, use of the Lindamood Auditory Conceptualization Test and Auditory Discrimination in Depth Program, of those persons who are eligible for alternative education services under sections 167.320 to 167.332. Area vocational centers shall also provide career awareness programs and individual and small group counseling.

3. Basic skills instruction, which may include, but is not limited to, the use of the Lindamood Auditory Conceptualization Test and Auditory Discrimination in Depth Program, may be provided by the area vocational learning centers for students on an individual or small group basis to ensure success in the student's chosen educational or vocational program.

4. Area vocational learning centers may provide extended services to students enrolled in the alternative education program, including assistance in securing employment or continuing education.]

[167.326. TRANSPORTATION. — Transportation to and from the resident's school to the area vocational learning center may be provided by the resident school district and claimed as an allowable reimbursement as otherwise provided by law.]

[167.328. MAY ATTEND AREA VOCATIONAL LEARNING CENTER ON FULL- OR PART-TIME BASIS. — 1. A student who qualifies for alternative education under section 167.322 and is currently of an age that qualifies him for enrollment in a public school may attend his traditional high school for a portion of the day based upon his individual needs and educational plan.

2. A student enrolled in the alternative education program may attend an area vocational learning center on a full- or part-time basis.]

[167.330. CLASSES — NUMBER OF STUDENTS — OFFERED, WHEN. — An alternative education program class shall be composed as nearly as practicable of twenty students during regular school hours and twenty students during evening or extended hours. Classes shall be offered during the regular school hours and classes for evening or extended hours may be for three hours.]

[167.332. DEPARTMENT TO EVALUATE AND ASSESS NEEDS — DETAILED INSTRUCTION PLAN TO BE SUBMITTED — RECEIPT OF STATE AID — YEAR-END STUDENT REPORTS — NEW CENTERS FUNDED ON PRIORITY BASIS. — 1. The department of elementary and secondary education shall evaluate each alternative education plan and assess the needs of each area vocational learning center. Each area vocational learning center shall submit annually to the department of elementary and secondary education a detailed instruction plan for the implementation and continuation of the area learning center. For the purposes of receiving state aid pursuant to section 163.031, the resident district shall count students who qualify under sections 167.320 to 167.332. A student shall be counted for the period of time he attends the area learning center to a maximum of six hours per day, even if the hours of attendance are not within the schedule of the resident district. Additional state and federal funds appropriated by the general assembly shall be awarded to the area learning centers as determined by the department of elementary and secondary education based upon each area learning center's needs and on the level of the appropriation.

2. Updated instructional plans and year-end student reports shall be required annually from the area vocational learning centers and shall be a condition for additional funding. New area vocational learning centers shall be funded on a priority basis determined by the potential to be served and the community demand.]

[168.430. MISSOURI TEACHER CORPS PROGRAM — RECRUITS — ELIGIBILITY — DUTIES — COMPENSATION — RULES. — 1. The state of Missouri in an effort to improve elementary reading skills and basic student achievement in English and foreign languages, remedial reading, science and math hereby establishes the "Missouri Teacher Corps" program to improve student achievement. The department of elementary and secondary education and the department of higher education shall work together to provide staff and facilities to establish the corps and promote its success.

2. The corps shall recruit fifty college seniors of graduates each year to contract to teach in designated schools for a two-year period. No recruit shall have majored in education. Each recruit shall have a bachelor's degree upon entering the corps in English, foreign language, mathematics, science, social studies or history.

3. The corps shall:

(1) Provide dedicated, talented teachers for school districts where an inadequate supply of teachers exists and has a need for student reading improvement;

(2) Afford a structured entry into the teaching profession for outstanding liberal arts who may have never taught;

(3) Identify and nurture educational leaders for the twenty-first century.

4. The corps shall provide, with the assistance of the state colleges and universities, an eight-week intensive training institute for the recruits to provide skills needed to assist them in teaching. Upon successful completion of certification requirements, recruits shall be assigned by the corps to public school districts on the basis of local need.

5. The corps shall provide members with tuition and book allowances and housing allowance for the member's pursuance of a master of arts degree in curriculum and instruction in an evenings and weekends and summer schedule for the first two years.

6. Corps members shall be compensated as are other teachers.

7. The department of elementary and secondary education may adopt rules to implement the provisions of this section.

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, 1999, shall be invalid and void.]

[168.550. LAW, HOW CITED. — Sections 168.550 to 168.595 to establish a financial assistance program for prospective teachers shall be known as the "Missouri Prospective Teacher Loan Program".]

[168.555. DEFINITIONS. — As used in sections 168.555 to 168.595, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Academic year", the period from August first of any year through July thirty-first of the following year;

(2) "Area of critical need", both geographic areas and areas of teacher certification as defined by the state board;

(3) "Coordinating board", the coordinating board for higher education;

(4) "Eligible student", a full-time student who has met criteria as established by the state board and the coordinating board and who has been accepted at a participating school and enrolled in a formal course of instruction leading to qualifications necessary to obtain a teaching certificate in Missouri;

(5) "Full-time student", persons defined as full-time students in section 173.205;

(6) "Fund", the Missouri prospective teacher loan fund;

(7) "Loan", the Missouri prospective teacher loan;

(8) "Participating school", a public or private Missouri institution offering an approved program of teacher education;

(9) "Resident", any person declared a resident under guidelines established by the coordinating board for higher education;

(10) "State board", the state board of education.]

[168.560. CRITICAL NEED AREAS, HOW DESIGNATED. — The state board, with the advice of the commissioner of education, shall designate areas of critical need. These designations shall be issued on a regular basis and shall be reviewed on a yearly basis for the purposes of continuation.]

[168.565. LOAN STANDARDS AND QUALIFICATIONS — RULEMAKING PROCEDURE. —

1. The coordinating board shall adopt and promulgate regulations establishing standards for determining eligible students for loans under sections 168.550 to 168.595. These standards may include, but are not limited to, the following:

(1) Citizenship or permanent residency in the United States;

(2) Residence in the state of Missouri;

(3) Enrollment, or acceptance for enrollment, as a full-time undergraduate student in an approved teacher education program at a participating school;

(4) Evaluation of the results of the entry-level test as established under section 168.400.

2. The policy of the coordinating board shall not discriminate in the awarding of loans on the basis of race, color, religion, sex or national origin. The policy shall comply with the Federal

Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto. The coordinating board shall give due consideration to the cultural diversity of applicants.

3. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.]

[168.570. PARTIES TO LOAN CONTRACT. — The coordinating board shall enter into a contract with each individual receiving a loan under sections 168.550 to 168.595. The coordinating board may designate a representative to act on its behalf to fulfill this duty.]

[168.575. AMOUNT OF LOANS. — For the first three years in which loans are made under sections 168.550 to 168.595, no loan to an eligible student shall exceed one thousand dollars for each academic year. For the fourth and each subsequent year in which loans are made under sections 168.550 to 168.595, the coordinating board shall determine the maximum amount for loans to eligible students in each academic year. All loans shall be made from funds deposited in the fund established under section 168.580.]

[168.580. MISSOURI PROSPECTIVE TEACHER LOAN FUND ESTABLISHED, PURPOSE — FUNDING — ADMINISTRATION. — 1. The "Missouri Prospective Teacher Loan Fund" is established and shall consist of money appropriated to it by the general assembly and charges, gifts, grants and bequests from federal, private and other sources made for the purpose of assisting eligible students in financing their education in order to become teachers. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

2. All moneys recovered for payments shall be paid promptly into the state treasury and credited to the fund.

3. Moneys in the Missouri prospective teacher loan fund shall be invested by the state treasurer in the same deposits and obligations in which state funds are authorized by law to be invested; except that, the income accruing from such funds shall be credited to the Missouri prospective teacher loan fund on an annual basis.

4. The fund shall be administered by the department of higher education at the direction of the coordinating board.]

[168.585. COMMISSIONER OF HIGHER EDUCATION, POWERS. — The commissioner of higher education, acting on behalf of the coordinating board, may:

(1) Enter into agreements with and receive grants from the United States government in connection with federal programs of assistance to students in teacher education programs;

(2) Contract with public agencies or private persons or organizations for the purpose of carrying out the administrative functions imposed by sections 168.550 to 168.595;

(3) Designate the department of higher education to receive loan applications and distribute funds;

(4) Call upon agencies of the state which have financial expertise for consultation and advice, and upon any agency of the state for assistance in the location of delinquent borrowers.]

[168.590. COORDINATING BOARD TO DETERMINE RULES REGULATING LOANS. — The coordinating board is hereby authorized to adopt regulations governing:

(1) The form, time and method of filing applications;

(2) The manner and time of repayment of the principal and interest;

(3) The maximum rate of interest;

(4) The procedures in the event of default by the borrower;

(5) The deferral of interest and principal payments based upon teaching in areas of critical need as defined by the state board;

(6) The forgiveness of principal and interest payments;

- (7) The termination of course of study following the receipt of a loan;
- (8) Collection assistance.]

[168.595. LOANS IN DEFAULT, DEPARTMENT OF REVENUE TO ASSIST. — The department of revenue, within the provisions of sections 143.781 to 143.788, is hereby authorized to assist in the collection of any loan in default, as so determined by the coordinating board.]

[168.600. MISSOURI CRITICAL TEACHER SHORTAGE FORGIVABLE LOAN PROGRAM — ELIGIBILITY REQUIREMENTS — AMOUNT OF LOAN — REPAYMENT — RULES. — 1. The Missouri critical teacher shortage forgivable loan program shall make undergraduate and graduate forgivable loans available, subject to appropriation, to eligible students entering programs of study that lead to a degree in a teaching program in a critical teacher shortage area.

2. To be eligible for a program loan, a candidate shall:

- (1) Be a full-time student in an upper division undergraduate or graduate level in a teacher training program approved by the Department of Education leading to certification as a teacher;
- (2) Have declared an intent to teach, for at least the number of years for which a forgivable loan is received, in public elementary or secondary schools of Missouri in a critical teacher shortage area identified by the state board of education;
- (3) If applying for or renewing an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for all undergraduate work;
- (4) If applying for or renewing a graduate forgivable loan, have maintained a minimum cumulative grade point average of 3.0 on a 4.0 scale for all graduate work.

3. An undergraduate forgivable loan may be awarded for two undergraduate years and shall not exceed four thousand dollars per year, or for a maximum of three years for programs requiring a fifth year of instruction to obtain initial teaching certification.

4. A graduate forgivable loan may be awarded for two graduate years and shall not exceed eight thousand dollars per year.

5. The state board of education shall adopt by rule repayment schedules and applicable interest rates. A forgivable loan shall be repaid within ten years of completion of a program of studies.

6. Credit for repayment of a forgivable loan pursuant to this section shall be in an amount not to exceed four thousand dollars in loan principal plus applicable accrued interest for each full year of eligible teaching service. However, credit in an amount not to exceed eight thousand dollars in loan principal plus applicable accrued interest shall be given for each full year of eligible teaching service completed at a high population density, low-economic condition urban school or at a low population density, low-economic condition rural school, as identified by the state board of education.

7. Any loan recipient who fails to teach in a public elementary or secondary school in this state as specified in this section shall repay the loan plus interest accruing at eight percent annually.

8. Loan recipients may receive loan repayment credit for teaching service rendered at any time during the scheduled repayment period. However, such repayment credits shall be applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. No loan recipient shall be reimbursed for previous payments of principal and interest.

9. The state board of education shall work with local school districts to develop rules to implement this section.

10. The board is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the

provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.]

[169.580. CERTAIN RETIRED TEACHERS MAY BE EMPLOYED AS SPECIAL ADVISORS — DUTIES — SALARY. — Any person who served as a teacher in the public schools of this state and who retired prior to July 1, 1957, under the provisions of chapter 169, shall upon application to the state department of elementary and secondary education be employed by the department as a special advisor and supervisor in connection with state educational problems. Any person so employed shall perform such duties as the commissioner of education directs and shall receive a salary of seventy-five dollars per month, payable in semimonthly or monthly installments, as designated by the commissioner of administration, out of the general revenue of the state pursuant to appropriations for the purpose, except that the payment to the retired person for such services, together with the retirement benefits he receives under chapter 169, shall not exceed one hundred fifty dollars per month. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits under chapter 169.]

[170.254. GRANTS FOR ACQUISITION OF COMPUTER AND TELECOMMUNICATIONS TECHNOLOGY EQUIPMENT — LIMITATION. — 1. From moneys appropriated for this purpose from the fund established by section 160.500 by rule and regulation, the state board of education shall make grants to school districts for the acquisition of computers, data transmission lines, networking hardware and software, science and mathematics laboratory equipment, and such other equipment to promote the use of computers and telecommunications technology. In determining the criteria and procedures for grants authorized by this section, the state board of education shall consider the advice and counsel provided by the advisory committee established pursuant to subsection 4 of section 170.250.

2. In no case shall the grants authorized by this section exceed five million dollars in any fiscal year.]

[173.053. BOARD TO REQUEST APPROPRIATIONS BASED ON NUMBER OF STUDENTS RECEIVING PELL GRANTS — RULEMAKING AUTHORITY. — 1. The coordinating board for higher education shall determine the number of students receiving a maximum Pell grant in each Missouri public two-year and four-year college and university in fiscal year 1988.

2. Based on the enrollment numbers established in subsection 1 of this section, the coordinating board shall request in subsequent fiscal years an appropriation based on the criteria established in subsection 3 of this section. In determining the number of students receiving a maximum Pell grant, only students meeting the following criteria shall be included. Such students shall:

- (1) Apply for and be eligible for a maximum Pell grant;
- (2) Be in-state students;
- (3) Maintain satisfactory academic progress;
- (4) Not receive more than one thousand dollars annually in guaranteed student loans; and
- (5) Not receive a Missouri student grant.

3. To be eligible to receive appropriations, public institutions shall:

- (1) Increase the number of students meeting the criteria established in subsection 2 of this section at a percentage established annually by the coordinating board;
- (2) Document in-state status of such students and submit academic progress policies related to such students to the coordinating board.

4. The coordinating board shall, in consultation with the heads of the public two-year and four-year colleges and universities, establish a formula based on the cost of instruction to

reimburse public institutions for a portion of the cost of increasing the number of students meeting the criteria established in subsection 2 of this section.

5. The coordinating board shall, in consultation with the heads of the public two-year and four-year colleges and universities, establish rules and regulations on the participation of part-time undergraduate students enrolled in a degree or certificate granting program.]

[173.055. INSTITUTION RISK SHARING PROGRAM, DEFAULTED STUDENT LOANS — DEFINITIONS — DUTIES OF DEPARTMENT — RISK SHARE REVOLVING FUND, CREATED, PURPOSES — INSTITUTIONAL FEE, AMOUNT, COLLECTION — LOAN GUARANTORS, DATA, DUTY TO REPORT. — 1. As used in this section, the following terms shall mean:

- (1) "Board", the Missouri coordinating board for higher education;
- (2) "Department", the Missouri department of higher education;
- (3) "Fund", the risk sharing revolving fund;
- (4) "Institution", any institution of postsecondary education, including a university, college, vocational and technical school, and other postsecondary institution, located within the state of Missouri;
- (5) "Institutional fee", an annual fee assessed against institutions by the department based on a calculation approved by the United States Secretary of Education;
- (6) "Rate", the cohort default rate determined by the United States Secretary of Education;
- (7) "Secretary", the United States Secretary of Education;
- (8) "State fee", a fee assessed against the state of Missouri and paid to the secretary as required by federal law.

2. The Missouri coordinating board for higher education shall administer the "Student Loan Default State Risk Sharing Program" established pursuant to the Omnibus Budget Reconciliation Act of 1993, P.L. 103-66, and shall calculate, assess, collect, and authorize payment of the state fee to the secretary.

3. The department shall annually authorize payment from the fund of any fee assessed by the secretary under the Omnibus Budget Reconciliation Act of 1993, as amended, P.L. 103-66, on behalf of the state and shall collect, pursuant to this section, fees from educational institutions to cover this cost.

4. The "Risk Share Revolving Fund" is hereby established in the state treasury and shall consist of money appropriated to the fund by the general assembly, institutional fees, gifts, grants, and bequests from federal, private, or other sources made for the purpose of paying the state fee to the secretary. Any balance in the fund, not in excess of two times the total amount appropriated, paid or transferred to the fund during the preceding fiscal year shall not be subject to transfer to the general revenue fund pursuant to section 33.080.

5. All moneys collected by the department in institutional fees shall be paid into the state treasury and credited to the fund.

6. The department may contract with public agencies or private persons or organizations for the purpose of carrying out the provisions of this section.

7. The board shall, by rule, determine the procedures for the collection of the annual institutional fees. If an institution fails to pay the assessed fee, the attorney general for the state of Missouri may initiate proceedings to collect the assessed fee.

8. The board shall develop and promulgate rules pursuant to and shall administer the provisions of this section.

9. Independent or private guarantors of student loans of students attending Missouri institutions shall file an annual report at no charge by each October fifteenth with the department stating, for the immediately preceding period of October first through September thirtieth and for each month therein and for each Missouri institution, the total number of loans guaranteed, the total dollar amount of such loans, the total number and amount of loans entering repayment, the total number and amount of loans for which default claims were paid, the total number and amount of loans for which bankruptcy claims were paid, the total number and

amount of loans for which death claims were paid, and the total number and amount of loans for which total and permanent disability claims were paid.]

[173.198. UNDERGRADUATE PROGRAM ESTABLISHED, ADMINISTRATION, QUALIFYING DEGREES — AMOUNT — ELIGIBILITY — EXIT EXAMINATIONS, ANALYSIS OF — RENEWAL.

— 1. There is hereby established the "Undergraduate Scholarship Program", which shall be administered by the coordinating board for higher education. The program shall, upon appropriation, provide scholarships, subject to the eligibility criteria enumerated in this section, for persons who pursue an undergraduate degree in the fields of mathematics, chemistry, physics, astronomy, geology, life sciences, teacher's education in mathematics or science, and foreign languages.

2. The amount of any scholarship granted under the undergraduate scholarship program shall be five thousand dollars, except that in no event shall the total amount of any scholarship received under this section plus the amount of any scholarship received under the higher education academic scholarship program, otherwise known as the "bright flight program", pursuant to section 173.250, exceed five thousand dollars.

3. In order to be eligible to receive a scholarship pursuant to this section, a person shall:

(1) Be a United States citizen and a Missouri resident in the third, fourth, or fifth year of study at any public or private institution of higher education in this state and have completed at least sixty hours of accredited higher education study at any public or private institution of higher education in this state;

(2) Rank in the top fifteenth percentile in either the SAT (Scholastic Aptitude Test) or the ACT (American College Test);

(3) Be a full-time student at any public or private institution of higher education in this state;

(4) Be a declared major in one of the academic disciplines enumerated in subsection 1 of this section;

(5) Agree to submit to the exit examination developed under subsection 4 of this section.

4. The coordinating board for higher education shall, in consultation with academic experts in the respective disciplines in this state, administer comprehensive exit examinations in each field of academic discipline enumerated in subsection 1 of this section to be administered every year. Such examinations shall be selected so as to measure the breadth of knowledge of the examinee and allow for novel and creative ideas in the respective discipline.

5. The coordinating board shall analyze the results of the exit examination administered pursuant to subsection 4 of this section. If, in the opinion of the coordinating board, three years after implementation of the undergraduate scholarship program in a particular field of study, average scores on exit examinations of scholarship recipients fall below the fiftieth percentile, new undergraduate scholarships in that particular academic discipline at that particular institution of higher education shall be discontinued for a period of one year.

6. All scholarships issued pursuant to sections 173.197 to 173.199 may be renewed annually if the coordinating board is satisfied that the recipient is making satisfactory academic progress.]

[173.199. GRADUATE FELLOWSHIP PROGRAM ESTABLISHED, ADMINISTRATION, QUALIFYING DEGREES — AMOUNT — ELIGIBILITY — RESTRICTIONS. — 1.

There is hereby established the "Graduate Fellowship Program" which shall be administered by the coordinating board for higher education. The program shall, upon appropriation, provide fellowships, subject to the eligibility criteria enumerated in this section, for persons who pursue a graduate degree in the fields of mathematics, chemistry, physics, geology, astronomy, life sciences, foreign languages, engineering, and agricultural sciences.

2. The amount of any fellowship granted under the graduate fellowship program for the pursuit of a master's degree in any of the disciplines enumerated in subsection 1 of this section shall be eight thousand dollars.

3. The coordinating board shall award scholarships in an amount of eight thousand dollars for the pursuit of a doctorate degree in any of the disciplines enumerated in subsection 1 of this section.

4. In order to be eligible to receive a scholarship or fellowship pursuant to this section, a person shall be a United States citizen and a Missouri resident who scores in the top twenty-fifth percentile of the GRE (Graduate Record Examination) test.

5. Any scholarship or fellowship awarded pursuant to sections 173.197 to 173.199 shall be expended only at a public or private institution of higher education in the state of Missouri.]

[173.267. MISSOURI EDUCATIONAL EMPLOYEES' MEMORIAL SCHOLARSHIP, PROGRAM, ADMINISTRATION, FUND, QUALIFICATIONS, TRANSFERS, REFUNDS. — 1. There is hereby established the "Missouri Educational Employees' Memorial Scholarship Program", and any moneys collected pursuant to subsection 2 of this section for this program shall be used to provide scholarships for the children of Missouri educational employees who died while employed by a Missouri school district to attend an undergraduate Missouri college or university of their choice pursuant to the provisions of this section.

2. Any employee of a public school district may have a minimum amount of one dollar withheld from such employee's paycheck to be donated to the "Missouri Educational Employees' Memorial Scholarship Fund", which is hereby created in the state treasury. The fund shall be used to provide scholarships to eligible students pursuant to this section. All earnings resulting from the investment of moneys in the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium. Moneys in the fund shall not be a part of total state revenues for the purposes of article X of the Missouri Constitution.

3. The definitions of terms set forth in section 173.205 shall be applicable to such terms as used in this section.

4. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:

(1) Promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes of this section;

(2) Prescribe the form and the time and method of awarding the scholarships, and shall supervise the processing thereof;

(3) Select qualified recipients to receive the scholarships, make such awards of scholarships to qualified recipients and determine the manner and method of payment to the recipient; and

(4) Operate the program in a manner designed to perpetuate the fund.

5. A student shall be eligible for an initial or renewed scholarship if, at the time of application and throughout the period during which the student is receiving such assistance, he or she is a part-time or full-time student who:

(1) Is seventeen years of age or older;

(2) Is a citizen or a permanent resident of the United States;

(3) Is a resident of the state of Missouri, as determined by reference to standards promulgated pursuant to section 173.140;

(4) Was the child or legal dependent of an educational employee of a Missouri public school who was enrolled in and regularly contributing to the program for at least one year and who died while employed by such school district after August 28, 1999. Such one-year period shall not apply to persons enrolled during the first year after August 28, 1999, or to persons employed for less than one year;

(5) Is enrolled, or has been accepted for enrollment, as an undergraduate student in an approved private or public institution; and

(6) Establishes financial need.

6. A recipient of a scholarship awarded pursuant to the provisions of this section may transfer from one approved Missouri public or private institution to another without losing eligibility for the scholarship. If a recipient of the scholarship at any time withdraws from an approved private or public institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the scholarship for that term to the coordinating board for higher education for deposit in this program.]

[173.500. RESEARCH AND PROJECTS TO STIMULATE ECONOMIC OPPORTUNITY. — The state of Missouri shall promote research projects and applied projects as defined by sections 173.500 to 173.565 which will enhance employment opportunity, stimulate economic development and encourage private investment.]

[173.510. DEFINITIONS. — As used in sections 173.500 to 173.565, unless the context clearly requires otherwise, the following terms shall mean:

- (1) "Applied project", any activity which seeks to utilize, synthesize, or apply existing knowledge, information, or resources to the resolution of a specified problem, question, or issue;
- (2) "Board of curators", the board of curators for the University of Missouri;
- (3) "Coordinating board", the Missouri coordinating board for higher education;
- (4) "Department", the Missouri department of economic development;
- (5) "Institution", any approved private institution or approved public institution, as these terms are defined in section 173.205, which are certified as such by the coordinating board;
- (6) "Research project", any original investigation for the advancement of scientific or technological knowledge;
- (7) "Small business", an independently owned and operated business as defined in title 15 U.S.C. section 632A and as described by title 13 CFR part 21; and
- (8) "University", any institution of higher learning located within this state which has one or more campuses, offers doctoral level degrees, conducts basic research activities, and is federally or privately sponsored or funded, or both federally and privately sponsored or funded.]

[173.515. HIGHER EDUCATION RESEARCH FUND — ADMINISTRATION — REPORTS. — There is hereby created the "Higher Education Research Fund" which shall be administered by the board of curators and which shall contain such moneys as appropriated to it by the general assembly. Moneys in the research fund shall be kept separate from all other funds of the university and shall be expended for the purposes specified in sections 173.500 and 173.515 to 173.535 and for no other purpose. The board of curators shall provide such information and reports as the coordinating board may require concerning expenditure from the research fund.]

[173.520. SELECTION OF RESEARCH PROJECTS, PROCEDURE. — The board of curators shall solicit and select proposals for research projects from persons associated with a university to be funded pursuant to sections 173.500 to 173.565, according to procedures approved by the coordinating board. The selection procedures shall provide for external peer review, assessment of the capacity of each research project to enhance employment opportunity within this state, and as evaluation of the potential of each research project to encourage private investment for a research project that would affect the Missouri economy. The selection procedures shall give consideration to the recommendations of a steering committee established by the board of curators and to include at least one representative each of all eligible institutions.]

[173.525. FUND, USES AND LIMITATIONS — CONTRIBUTION FROM OTHER SOURCES, REQUIREMENTS — HIGHER EDUCATION APPLIED PROJECTS, FUNDING. — 1. Moneys from the research fund shall be used to defray a maximum of thirty-three and one-third percent or, for small business, a maximum of sixty-six and two-thirds percent of the expenses associated with

any research project approved by the board of curators for funding under sections 173.500 to 173.565. The remaining sixty-six and two-thirds percent or, for small business, the remaining thirty-three and one-third percent of the expenses associated with any such project shall be contributed by a source other than the state or federal government. The board of curators shall approve for funding only those research projects for which:

(1) Contributions were not committed for the same or related research prior to August 13, 1982;

(2) Contributions have been obtained entirely from sources other than the state or federal governments, student fees, institutional endowment or other moneys used to fund the operating budget of the university; and

(3) Funding is consistent with the purposes of sections 173.500 to 173.565.

2. Only those expenses which are usually and customarily attendant to academic research shall be provided, including, without limitation, salaries of the principal investigators and assistants and the purchase of equipment and supplies. Moneys in the fund shall in no event be used to defray any portion of costs normally attributable to overhead.

3. Notwithstanding other provisions of sections 173.500 to 173.565 to the contrary, the board of curators may, in an amount not to exceed twenty-five percent of any appropriation to the higher education research fund, use such moneys to defray not more than thirty-three and one-third percent of the expenses associated with what is considered a "higher education applied project" as that term is used by sections 173.545 to 173.565 which the board of curators deems to be of unusual promise.]

[173.530. OWNERSHIP OF RESULTING COPYRIGHTS, PATENTS — EQUIPMENT — SUPPLIES. — Ownership of all equipment and supplies, and any patents or copyrights which might be developed either directly or indirectly as a result of the funding provided by sections 173.500 and 173.515 to 173.535 shall be determined in accordance with the applicable rules and regulations of the university involved in the project.]

[173.535. ADMINISTRATIVE COSTS AND EXPENSES, HOW PAID — PROJECT SELECTION BY BOARD TO BE FINAL. — Reasonable and necessary administrative costs for the solicitation and evaluation of research project proposals, and for the preparation of information and reports concerning the research fund, shall be chargeable to the research fund, subject to the approval of the board of curators. All other expenses attendant to the administration of the research fund, including solicitation of private contributions and the administration of individual grants, shall be borne by the university involved. Decisions of the board of curators with respect to selection of research projects shall be final.]

[173.545. HIGHER EDUCATION APPLIED PROJECTS FUND ESTABLISHED — ADMINISTRATION — REPORT — FUNDS ALLOCATED BY DEPARTMENT OF ECONOMIC DEVELOPMENT, REQUIREMENTS. — 1. There is hereby created the "Higher Education Applied Projects Fund" which shall be administered by the department of economic development and which shall contain such moneys as are appropriated to it by the general assembly. Moneys in the applied projects fund shall be kept separate from all other funds of the department and shall be expended for the purposes specified in sections 173.500 and 173.545 to 173.565, and for no other purpose. The department shall establish procedures to ensure accountability for the applied projects fund and shall submit an annual report and such information as the governor may require concerning the activity of the applied projects fund.

2. Fifty percent of the funds annually allocated by the department of economic development to defray the expenses associated with applied projects shall be directed to projects which are intended to produce a positive economic impact, in such areas as value-added manufacturing and agriprocessing, upon rural communities as defined in section 620.160.]

[173.550. SELECTION OF APPLIED PROJECTS — UNIVERSITY OF MISSOURI NOT ELIGIBLE. — The department shall establish appropriate procedures, in accordance with the purposes of sections 173.500 to 173.565, for selection of applied project proposals submitted to it by institutions. Proposals submitted by the University of Missouri system, directly or indirectly, shall not be eligible for funding.]

[173.555. FUND USES AND LIMITATIONS — CONTRIBUTIONS FROM OTHER SOURCES, REQUIREMENTS — SELECTIONS BY DEPARTMENT TO BE FINAL. — 1. Moneys from the applied projects fund shall be used to defray a maximum of fifty percent or, for small business, a maximum of sixty-six and two-thirds percent of the expenses associated with any applied project approved by the department for funding under sections 173.500 to 173.565, provided that the remaining fifty percent or, for small business, the remaining thirty-three and one-third percent of the expenses associated with any such project is contributed by or through sources other than the state or federal government. The department shall approve for funding only those applied projects for which:

- (1) Contributions were not committed for the same or related applied projects prior to August 13, 1982;
- (2) Contributions have been obtained from sources other than the state or federal governments, student fees, institutional endowment or other moneys used to fund the operating budget of any institution;
- (3) Enhanced employment opportunity within this state will likely result; and
- (4) Funding of the project is otherwise consistent with the purposes of sections 173.500 and 173.545 to 173.565.

2. Only those expenses which are usually and customarily attendant to academic research shall be provided, including, without limitations, salaries of principal directors and assistants and the purchase of equipment and supplies. Moneys in the applied projects fund shall in no event be used to defray costs normally attributed to institutional overhead. The chargeability of any disputed item shall be determined by the department, and decisions of the department with respect to selection of applied projects shall be final.]

[173.560. OWNERSHIP OF RESULTING COPYRIGHTS, PATENTS — EQUIPMENT — SUPPLIES. — Ownership of all equipment and supplies, and any patents or copyrights which might be developed either directly or indirectly as a result of the funding provided under sections 173.500 and 173.545 to 173.565 shall be governed by the appropriate institution's rules and regulations applicable to these matters.]

[173.565. ADMINISTRATIVE COSTS AND EXPENSES — HOW PAID. — Reasonable and necessary administrative costs for the solicitation and evaluation of applied project proposals, and for the preparation of reports concerning the applied projects fund, shall be chargeable to the fund, subject to the approval of the director of the department. All other expenses attendant to the administration of the applied projects fund, including solicitation of private contributions and the administration of individual grants, shall be borne by the appropriate institution. All expenses charged to the applied fund shall be itemized and shall be included in the department's annual report.]

[173.724. HIGHER EDUCATION ARTISTIC SCHOLARSHIP PROGRAM — DEFINITIONS — ADMINISTRATION — ELIGIBILITY — TRANSFER — RULES, PROMULGATION, PROCEDURE. — 1. There is hereby established a "Higher Education Artistic Scholarship Program". Moneys appropriated by the general assembly or moneys identified in section 173.252 may be used for this program to provide scholarships for Missouri citizens to attend an approved public or private institution of their choice pursuant to the provisions of this section. Such program shall award

a maximum of ten initial artistic scholarships per year, in the amount of two thousand dollars per scholarship.

2. As used in this section, the following terms mean:

- (1) "Approved private institution", as defined in section 173.205;
- (2) "Approved public institution", as defined in section 173.205;
- (3) "Artistic talent":
 - (a) Creation of the visual arts;
 - (b) Creation of and the performance of music;
 - (c) Creation of and the performance of theater;
 - (d) Creation of and the performance of musical theater; and
 - (e) Creation of and the performance of dance;
- (4) "Artistic talent scholarship", an amount of money paid by the state of Missouri to a qualified college or university student who has demonstrated exceptional artistic talent pursuant to the provisions of this section.

3. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:

- (1) Promulgate reasonable rules and regulations for the exercise of its functions and the effectuation of the purposes of this section;
- (2) Prescribe the form and the time and method of awarding scholarships to student artists of exceptional talent, and supervise the processing thereof; and
- (3) Select qualified recipients to receive artistic talent scholarships, make awards of such artistic talent scholarships to qualified recipients and determine the manner and method of payment to the recipient.

4. 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.

5. A student shall be eligible for initial or renewed artistic talent scholarships if he or she is in compliance with the eligibility requirement set forth in section 173.215, excluding the requirement of financial need, and in addition meets the following requirements:

- (1) Demonstration of exceptional artistic talent; and
- (2) Declaration of intent to complete a college or university program of studies centered around the art or arts in which he or she has demonstrated talent for purposes of this section.

6. Artistic talent scholarships are renewable in the amount of two thousand dollars for each of the sophomore, junior and senior years of college or university study provided the recipient makes satisfactory academic degree progress as a full-time student and in addition, for each of the sophomore, junior and senior years, provides service to the institution in which enrolled in an academically related assignment. Students who hold artistic talent scholarships shall continue to enroll in a program of studies centered around the art or arts in which their talent is demonstrated for purposes of this section.

7. A recipient of an artistic talent scholarship awarded under this section may transfer from one approved Missouri public or private institution to another without losing eligibility for the scholarship. If a recipient of the scholarship at any time withdraws from an approved private or public institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the scholarship for that term to the coordinating board for higher education.]

[173.727. GRADUATE STUDY SCHOLARSHIP PROGRAM — DEFINITIONS — ADMINISTRATION — ELIGIBILITY — TERMS — RENEWABILITY PROMULGATION, PROCEDURE. — 1. There is hereby established a "Higher Education Graduate Study Scholarship Program" and any moneys appropriated by the general assembly for this program shall be used to provide scholarships for Missouri citizens to pursue graduate studies at a college or university of their choice pursuant to the provisions of this section.

2. The definitions of terms set forth in section 173.205 shall be applicable to such terms as used in this section except that the terms "approved private institution" and "approved public institution" shall, in addition, mean that those institutions offer programs of study beyond the baccalaureate degree which lead to a certificate or degree award on the graduate study level for which level of study the institution is accredited by the North Central Association of Colleges and Schools. The terms "graduate study scholarship" or "graduate scholarship" mean an amount of money paid by the state of Missouri to a qualified college or university graduate student who has demonstrated superior academic achievement pursuant to the provisions of this section.

3. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:

(1) For each three-year period of academic years, beginning with the 1991-1992 academic year, and based upon manpower needs of the state of Missouri as determined by the coordinating board, designate an area or areas of graduate program certificate or degree study for which graduate study scholarships shall be awarded to qualified Missouri residents, as provided in this section, during the three-year period;

(2) Promulgate reasonable rules and regulations for the exercise of its functions and the effectuation of the purposes of this section;

(3) Prescribe the form and the time and method of awarding graduate study scholarships, and shall supervise the processing thereof; and

(4) Select qualified recipients to receive graduate study scholarships, make such awards of graduate scholarships to qualified recipients and determine the manner and method of payment to the recipient.

4. 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.

5. A student shall be eligible for initial or renewed graduate scholarship if he or she is in compliance with the eligibility requirements set forth in section 173.215, excluding the requirement of financial need, provided the student is enrolled, or has been accepted for enrollment, as a full-time graduate student in an approved private or public institution and in addition meets the requirements set forth in subsections 6 and 7 of this section. However, if the number of applicants exceeds the number of scholarships or revenues available, the coordinating board for higher education may consider the financial needs of the applicant.

6. Graduate study scholarships are awarded for a period of one academic year. Initial scholarships shall be offered to Missouri residents whose scores on both the verbal and quantitative sections of the graduate record examination general test are in the top one percent of all Missouri students taking the graduate record examination during the academic year in which the test was taken, or who achieve, to the satisfaction of the coordinating board for higher education, an equivalent score on an equivalent graduate or professional examination. Graduate scholarship recipients are required to maintain a full-time student status.

7. Initial graduate study scholarships are renewable for one additional academic year provided the recipient makes satisfactory graduate degree progress as a full-time student and provided that the program of study for which the scholarship is awarded requires an additional year of study to meet minimum requirements, exclusive of thesis, dissertation or experiential project. Graduate study scholarships are also renewable for uninterrupted progression of study from one level of graduate degree to the next higher level of degree study and may further be renewed for one additional academic year under the same criteria as provided for initial scholarship renewal.

8. A student who is enrolled or has been accepted for enrollment as a graduate student, at an approved private or public institution, in a program study area designated as eligible by the coordinating board for higher education, beginning with the fall, 1991, term and who meets the other eligibility requirements for a graduate study scholarship shall, within the limits of the funds appropriated and made available, be offered a graduate study scholarship in the amount of two thousand dollars, which scholarship shall be renewable as provided in this section.]

[191.390. PROGRAM CREATED — PANEL TO BE APPOINTED, DUTIES. — 1. There is hereby created within the department of health and senior services the "Missouri Fibromyalgia Awareness Initiative Program". The primary target population for such program shall be women between twenty and sixty years of age.

2. The department shall appoint and convene the "Missouri Fibromyalgia Panel" to be comprised of individuals who shall act in a voluntary capacity with knowledge and expertise regarding fibromyalgia research, prevention, educational programs, and consumer needs, to guide program development. The panel shall seek and is authorized to accept private, federal, or other public financial support, grants, or other appropriate moneys to support the program. The department shall provide the panel and program necessary administrative services and support.

3. The panel shall have the following duties:

(1) In consultation with the National Fibromyalgia Association, to raise at least fifty thousand dollars through private funding for the purpose of establishing a public information and outreach campaign for issues related to fibromyalgia, including appropriate educational material to promote early diagnosis and treatment, prevention of complications, improvement of quality of life at home and in the workplace, and addressing mental health and disability issues of fibromyalgia patients;

(2) To work with other state and local agencies to promote fibromyalgia education and training programs for physicians and other health professionals; and

(3) To examine the various pharmaceutical treatments available for fibromyalgia patients.

4. This section shall be implemented only to the extent that the panel obtains private funding for the purpose of this section.]

[191.727. EDUCATIONAL PROGRAM TO BE ESTABLISHED FOR PHYSICIANS — DEPARTMENTS OF HEALTH AND SENIOR SERVICES AND MENTAL HEALTH, DUTIES. — The director of the department of health and senior services and the director of the department of mental health shall create and administer an educational program that shall:

(1) Provide education to all physicians providing obstetrical and gynecological care in taking accurate and complete drug histories from their pregnant patients;

(2) Provide education to all such physicians concerning the effects of cigarettes, alcohol and schedules I, II and III controlled substances on pregnancy and fetal outcome;

(3) Provide education to all such physicians concerning counseling techniques for drug abusing women so as to improve referral to and compliance with drug treatment programs.]

[191.733. HOT LINE INFORMATION ON SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN TO BE ESTABLISHED. — The department of health and senior services shall establish and maintain a toll-free information line for the purpose of providing information on resources for substance abuse treatment and for assisting with referral for substance abusing pregnant women.]

[191.735. MULTIDISCIPLINARY TEAMS TO BE ESTABLISHED, DUTIES — QUALIFICATIONS, EXPENSES — TEAM TRAINING CONTENT. — 1. The directors of the department of health and senior services, mental health and social services and the commissioner of the department of elementary and secondary education shall establish multidisciplinary teams in areas deemed appropriate. Such teams shall act in an advisory capacity for local physicians or health care providers and shall include as a minimum a public health nurse, a representative of a hospital staff, an experienced child protection supervisor from the division of family services, an obstetrician, a neonatologist, pediatrician or a family practice physician with an interest in perinatal medicine, a medical social worker, a child psychologist and a drug treatment provider. No compensation shall be paid to the members of the multidisciplinary teams. These teams shall report to the director of the department of health and

senior services. Necessary expenses of the teams may be paid from appropriations of the department of health and senior services upon approval by the director.

2. The director, in conjunction with the department of mental health, the department of elementary and secondary education, and the department of social services, shall ensure that these teams are trained in health issues affecting pregnant mothers and their babies, care in the home for medically complex infants, developmental impairments of exposed infants and treatment resources for drug-abusing families. The teams should also receive training in child protection aspects of intervention in child abuse and neglect cases and the various types of alternative resources available.

3. The local multidisciplinary teams shall ensure local cooperation in the implementation of sections 191.725 to 191.735.]

[191.741. HIGH RISK PREGNANCY TO BE IDENTIFIED BY PROTOCOL ESTABLISHED BY THE DEPARTMENT OF HEALTH AND SENIOR SERVICES — SERVICES TO BE OFFERED. — 1. The department of health and senior services shall promulgate protocols based on a risk assessment profile based on substance abuse, to be used by physicians or health care providers to identify high risk pregnancies.

2. Upon notification by a physician or health care provider that a pregnant woman has been identified as having a high risk pregnancy based on such protocols, the department of health and senior services shall offer service coordination services to such woman. Service coordination services shall include a coordination of social services, health care and mental health services.]

[191.745. TESTS TO BE MADE ON WOMEN AND INFANTS AT TIME OF DELIVERY — SAMPLES TO BE SENT WITHOUT IDENTIFICATION TO LABORATORY — PRENATAL TESTS MAY BE MADE, WHEN. — Beginning July 1, 1992, the director of the department of health and senior services shall conduct periodic and scientifically appropriate prevalence tests on a statistically significant sample of women or infants at the time of delivery. Upon request from the department of health and senior services, physicians who provide obstetrical or gynecological care shall obtain from their patients at time of delivery, test samples and forward the same to a central laboratory designated by the director of the department of health and senior services. These samples shall be forwarded to such laboratory without any identifying information as to the donor. The director may, however, require demographic information necessary to interpret results.

The director of the department of health and senior services shall then conduct such studies, through this and other means, as he deems appropriate to determine the extent of use and harmful perinatal effects of cigarettes, alcohol and schedules I, II and III controlled substances as defined in section 195.017. Periodic screening results shall be compared to those of the preceding series of tests to determine trends in pregnancy substance abuse and to assist in monitoring the effectiveness of sections 191.725 to 191.735. Prevalence testing during the prenatal period may be conducted in the same manner at the discretion of the director of the department of health and senior services.]

[191.909. REPORTS REQUIRED, CONTENTS. — 1. By January 1, 2008, and annually thereafter, the attorney general's office shall report to the general assembly and the governor the following:

(1) The number of provider investigations due to allegations of violations under sections 191.900 to 191.910 conducted by the attorney general's office and completed within the reporting year, including the age and type of cases;

(2) The number of referrals due to allegations of violations under sections 191.900 to 191.910 received by the attorney general's office;

(3) The total amount of overpayments identified as the result of completed investigations;

(4) The amount of fines and restitutions ordered to be reimbursed, with a delineation between amounts the provider has been ordered to repay, including whether or not such repayment will be completed in a lump sum payment or installment payments, and any adjustments or deductions ordered to future provider payments;

(5) The total amount of monetary recovery as the result of completed investigations;

(6) The total number of arrests, indictments, and convictions as the result of completed investigations. An annual financial audit of the MO HealthNet fraud unit within the attorney general's office shall be conducted and completed by the state auditor in order to quantitatively determine the amount of money invested in the unit and the amount of money actually recovered by such office.

2. By January 1, 2008, and annually thereafter, the department of social services shall report to the general assembly and the governor the following:

(1) The number of MO HealthNet provider and participant investigations and audits relating to allegations of violations under sections 191.900 to 191.910 completed within the reporting year, including the age and type of cases;

(2) The number of MO HealthNet long-term care facility reviews;

(3) The number of MO HealthNet provider and participant utilization reviews;

(4) The number of referrals sent by the department to the attorney general's office;

(5) The total amount of overpayments identified as the result of completed investigations, reviews, or audits;

(6) The amount of fines and restitutions ordered to be reimbursed, with a delineation between amounts the provider has been ordered to repay, including whether or not such repayment will be completed in a lump sum payment or installment payments, and any adjustments or deductions ordered to future provider payments;

(7) The total amount of monetary recovery as the result of completed investigation, reviews, or audits;

(8) The number of administrative sanctions against MO HealthNet providers, including the number of providers excluded from the program. An annual financial audit of the program integrity unit within the department of social services shall be conducted and completed by the state auditor in order to quantitatively determine the amount of money invested in the unit and the amount of money actually recovered by such office.]

[192.640. DEFINITIONS. — As used in sections 192.640 to 192.644, the following terms mean:

(1) "Department", the department of health and senior services;

(2) "Osteoporosis", a bone disease characterized by a reduction in bone density accompanied by increasing porosity and brittleness and associated with loss of calcium from the bones.]

[192.642. OSTEOPOROSIS PREVENTION AND EDUCATION PROGRAM, COMPONENTS — NEEDS ASSESSMENT, DETERMINATIONS. — 1. The department may establish, promote, and maintain an osteoporosis prevention and education program to promote public awareness of causes of osteoporosis, options for prevention, the value of early detection and possible treatments, including the benefits and risks of those treatments.

2. The program shall include the following:

(1) Development of a public education and outreach campaign to promote osteoporosis prevention and education, including but not limited to:

(a) Causes and nature of the disease;

(b) Risk factors;

(c) The role of hysterectomy;

(d) Prevention of the disease, including nutrition, diet, and physical exercise;

(e) Diagnostic procedures and appropriate indications for their use;

- (f) Hormone replacement, including benefits and risks;
 - (g) Environmental safety and injury prevention; and
 - (h) The availability of osteoporosis diagnostic treatment services in the community;
 - (2) Development of educational materials to be made available for consumers, particularly targeted toward high-risk groups, through local health departments, local physicians, other health care providers and women's organizations;
 - (3) Development of professional education programs for health care providers to assist them in understanding research findings and the subjects set forth in subdivision (2) of this subsection; and
 - (4) Development and maintenance of a list of current providers of specialized services for the prevention and treatment of osteoporosis. Dissemination of the list shall be accompanied by a description of diagnostic procedures, appropriate indications for their use, and a cautionary statement about the current status of osteoporosis research, prevention and treatment. The statement shall also indicate that the department does not license, certify or in any other way approve osteoporosis programs or centers in the state.
3. The department may conduct a needs assessment to identify:
- (1) Available technical assistance and educational materials and programs nationwide;
 - (2) The level of public and professional awareness about osteoporosis;
 - (3) The needs of osteoporosis patients, their families and caregivers;
 - (4) Needs of health care providers, including physicians, nurses, managed-care organizations and other health care providers;
 - (5) The services available to osteoporosis patients;
 - (6) Existence of osteoporosis treatment programs;
 - (7) Existence of osteoporosis support groups;
 - (8) Existence of rehabilitation services; and
 - (9) Number and location of bone density testing equipment.]

[192.644. OSTEOPOROSIS ADVISORY COUNCIL, APPOINTMENT, PURPOSE — MEMBERS — COSTS. — 1. The department may establish an osteoporosis advisory council to be appointed by the director of the department. The purpose of the advisory council is to assist the department in implementing sections 192.640 to 192.644.

2. The advisory council shall include:
- (1) A person with osteoporosis;
 - (2) A representative from a women's health organization;
 - (3) A public health educator;
 - (4) An expert in bone and osteoporosis research, prevention and treatment; and
 - (5) Five health care providers, representing the following professions:
 - (a) Radiology;
 - (b) Orthopedics;
 - (c) Nursing;
 - (d) Physical therapy; and
 - (e) Nutrition.
3. The members of the advisory council may not be compensated or reimbursed from state funds for their expenses in performing council duties.]

[192.729. SYSTEMIC LUPUS ERYTHEMATOSUS PROGRAM ESTABLISHED — EXPANSION OF EXISTING PROGRAMS PERMITTED — RULEMAKING AUTHORITY. — 1. There is hereby established a state systemic lupus erythematosus program in the department of health and senior services. Subject to appropriations, the lupus program shall:

- (1) Track and monitor the prevalence and incidents of lupus occurring throughout the state;
- (2) Identify medical professionals and providers that are knowledgeable or specialize in the treatment of lupus and related diseases or illnesses; and

(3) Promote lupus research and public awareness through collaborations with academic partners throughout the state and local boards, including the Missouri chapter of the lupus foundation.

2. The department may utilize or expand existing programs such as the office on women's health, the office of minority health and the state arthritis program established in sections 192.700 to 192.727 to meet the requirements of this section.

3. The department 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.]

[193.295. LOCAL REGISTRAR'S FEES FOR TRANSMISSION OF RECORDS TO STATE — EXCEPTIONS. — 1. Each local registrar shall be paid the sum of two dollars for each complete birth, death, spontaneous fetal death certificate transmitted by him or her to the state registrar in accordance with the regulations of the department. In case no birth, death or spontaneous fetal death was registered during any calendar month, the local registrar shall so report.

2. In cities or counties having a population of one hundred thousand or over, where health officers are conducting effective registration of births and deaths under local ordinances in accordance with this law, such officers being continued as registrars in and for such cities or counties as provided in this law, and being paid by such cities or counties salaries for their official services, said officers shall not be entitled to nor have power to collect any fee provided for in this section, but such salaries shall be in full compensation also for their services as registrars; provided that such cities or counties shall provide the office accommodations, clerical help, office furnishings and supplies necessary to enable such officer to properly perform the duties of registrar.]

[193.305. CERTIFICATION AND PAYMENT OF FEES BY STATE. — Upon certification by the state registrar to the commissioner of administration, the fees of local registrars shall be paid by the commissioner of administration out of funds appropriated to him for that purpose.]

[198.086. DEMONSTRATION PROJECT, ALZHEIMER'S LICENSURE CATEGORY — DEPARTMENT DUTIES — ACCOMMODATIONS FOR FAMILY MEMBERS. — 1. The department of health and senior services shall develop and implement a demonstration project designed to establish a licensure category for health care facilities that wish to provide treatment to persons with Alzheimer's disease or Alzheimer's-related dementia. The division shall also:

(1) Inform potential providers of the demonstration project and seek letters of intent;

(2) Review letters of intent and select provider organizations to participate in the demonstration project. Ten such organizations may develop such projects using an existing license and additional organizations shall be newly licensed facilities with no more than thirty beds per project. One demonstration project shall be at a stand-alone facility of no more than one hundred twenty beds designed and operated exclusively for the care of residents with Alzheimer's disease or dementia within a county of the first classification with a charter form of government with a population over nine hundred thousand. A total of not more than three hundred beds may be newly licensed through the demonstration projects. All projects shall maintain their pilot status until a complete evaluation is completed by the division of aging, in conjunction with a qualified Missouri school or university, and a written determination is made from such evaluation that the pilot project is successful;

(3) Monitor the participants' compliance with the criteria established in this section;

(4) Recommend legislation regarding the licensure of dementia-specific residential care based on the results of the demonstration project; and

(5) Submit a report regarding the division's activities and recommendations for administrative or legislative action on or before November fifteenth of each year to the governor, the president pro tem of the senate and the speaker of the house of representatives.

2. The director of the division shall:
 - (1) Develop a reimbursement methodology to reasonably and adequately compensate the pilot projects for the costs of operation of the project, and require the filing of annual cost reports by each participating facility which shall include, but not be limited to, the cost equivalent of unpaid volunteer or donated labor;
 - (2) Process the license applications of project participants;
 - (3) Monitor each participant to assure its compliance with the requirements and that the life, health and safety of residents are assured;
 - (4) Require each participating facility to complete a minimum data set form for each resident occupying a pilot bed;
 - (5) Require the division of aging to assign a single team of the same surveyors to inspect and survey all participating facilities at least twice a year for the entire period of the project; and
 - (6) Submit to the president pro tem of the senate and speaker of the house of representatives copies of any statements of deficiencies, plans of correction and complaint investigation reports applying to project participants.
3. Project participants shall:
 - (1) Be licensed by the division;
 - (2) Provide care only to persons who have been diagnosed with Alzheimer's disease or Alzheimer's-related dementia;
 - (3) Have buildings and furnishings that are designed to provide for the resident's safety. Facilities shall have indoor and outdoor activity areas, and electronically controlled exits from the buildings and grounds to allow residents the ability to explore while preventing them from exiting the facility's grounds unattended;
 - (4) Be staffed twenty-four hours a day by the appropriate number and type of personnel necessary for the proper care of residents and upkeep of the facility;
 - (5) Conduct special staff training relating to the needs, care and safety of persons with Alzheimer's disease or Alzheimer's-related dementia within the first thirty days of employment;
 - (6) Utilize personal electronic monitoring devices for any resident whose physician recommends use of such device;
 - (7) Permit the resident's physician, in consultation with the family members or health care advocates of the resident, to determine whether the facility meets the needs of the resident; and
 - (8) Implement a social model for the residential environment rather than an institutional medical model.
4. For purposes of this section, "health care facilities for persons with Alzheimer's disease or Alzheimer's-related dementia" means facilities that are specifically designed and operated to provide elderly individuals who have chronic confusion or dementia illness, or both, with a safe, structured but flexible environment that encourages physical activity through a well-developed recreational and aging-in-place and activity program. Such program shall continually strive to promote the highest practicable physical and mental abilities and functioning of each resident.
5. Nothing in this section shall be construed to prohibit project participants from accommodating a family member or other caregiver from residing with the resident in accordance with all life, health, and safety standards of the facility.]

[198.531. AGING-IN-PLACE PILOT PROGRAM ESTABLISHED — PROGRAM REQUIREMENTS AND MONITORING — RULEMAKING AUTHORITY. — 1. The division of aging, in collaboration with qualified Missouri schools and universities, shall establish an aging-in-place pilot program at a maximum of four selected sites throughout the state which will provide a continuum of care for elders who need long-term care. For purposes of this section, "qualified Missouri schools and universities" means any Missouri school or university which has a school of nursing, a graduate nursing program, or any other similar program or specialized expertise in the areas of aging, long-term care or health services for the elderly.

2. The pilot program shall:
 - (1) Deliver a full range of physical and mental health services to residents in the least restrictive environment of choice to reduce the necessity of relocating such residents to other locations as their health care needs change;
 - (2) Base licensure on services provided rather than on facility type; and
 - (3) Be established in selected urban, rural and regional sites throughout the state.
3. The directors of the division of aging and division of medical services shall apply for all federal waivers necessary to provide Medicaid reimbursement for health care services received through the aging-in-place pilot program.
4. The division of aging shall monitor the pilot program and report to the general assembly on the effectiveness of such program, including quality of care, resident satisfaction and cost-effectiveness to include the cost equivalent of unpaid or volunteer labor.
5. Developments authorized by this section shall be exempt from the provisions of sections 197.300 to 197.367 and shall be licensed by the division of aging.]

[207.150. HOUSING ASSISTANCE, PROVIDED BY DIVISION, LIMITATIONS ON AMOUNT AND DURATION, RULES. — 1. The division of family services may, subject to appropriation, provide housing assistance to the parents of children who are at imminent danger of removal and placement or who are in the custody of the division pursuant to court order, if a primary barrier for keeping the child in the home or reuniting the child's family is the homeless condition of the parents and to parents who are at risk of having their family separated due to inadequate housing or homelessness. Housing assistance shall be provided pursuant to this section, based on the development of a family housing plan. The plan will address current needs, and the movement toward adequate housing and independence. Housing assistance shall not exceed the average market rate for the area, and the plan shall be provided on a month-to-month assessment, not to exceed six months. Such housing assistance may be in the form of rent subsidies, rent arrears, deposits or other housing-related assistance sufficient to obtain adequate rental housing.

2. The division of family services shall designate a housing specialist within the division who shall be responsible for the administration and coordination of housing assistance funds.

3. The division of family services shall promulgate rules and regulations to carry out the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.]

[208.179. RECEIPT OF MEDICAL ASSISTANCE WHILE RECEIVING UNEMPLOYMENT COMPENSATION, PILOT PROJECT — SCOPE OF SERVICES — PAYMENT OF PREMIUMS — RULES, PROCEDURE. — 1. Subject to appropriations made for that purpose, a pilot project shall be created by the director of the division of medical services to provide up to one thousand residents of this state who become unemployed and receive unemployment compensation benefits pursuant to chapter 288 with medical assistance during the period of time they continue to receive such unemployment compensation benefits.

2. The director of the division of medical services shall determine the amount and scope of benefits which are available under this section. The director may also establish utilization and cost limits for care delivered to the participants. Recipients qualifying for medical assistance under the provisions of this section shall be subject to cost-sharing requirements as determined by the director of the department of social services. Such cost-sharing requirements may include the payment of premiums, premium payment assistance, deductibles or coinsurance. The director shall specify these requirements in regulations.

3. The director of the division of medical services may elect to pay premiums for such eligible residents under continuation of benefit arrangements which may be available to such eligible residents through their former employer.

4. The director of the division of medical services shall promulgate such rules and regulations as may be necessary to implement the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.]

[208.192. CERTAIN MEDICAID DATA TO BE MADE AVAILABLE ON WEBSITE — SUNSET PROVISION. — 1. By August 28, 2010, the director of the MO HealthNet division shall implement a program under which the director shall make available through its Internet website nonaggregated information on individuals collected under the federal Medicaid Statistical Information System described in the Social Security Act, Section 1903(r)(1)(F), insofar as such information has been de-identified in accordance with regulations promulgated under the Health Insurance Portability and Accountability Act of 1996, as amended. In implementing such program, the director shall ensure that:

(1) The information made so available is in a format that is easily accessible, useable, and understandable to the public, including individuals interested in improving the quality of care provided to individuals eligible for programs and services under the MO HealthNet program, researchers, health care providers, and individuals interested in reducing the prevalence of waste and fraud under the program;

(2) The information made so available is as current as deemed practical by the director and shall be updated at least once per calendar quarter;

(3) To the extent feasible, all health care providers, as such term is defined in subdivision (20) of section 376.1350, included in such information are identifiable by name to individuals who access the information through such program; and

(4) The director periodically solicits comments from a sampling of individuals who access the information through such program on how to best improve the utility of the program.

2. For purposes of implementing the program under this section and ensuring the information made available through such program is periodically updated, the director may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the director determines appropriate.

3. By August 28, 2011, and annually thereafter, the director shall submit to the general assembly and the MO HealthNet oversight committee, a report on the progress of the program under subsection 1 of this section, including the extent to which information made available through the program is accessed and the extent to which comments received under subdivision (4) of subsection 1 of this section were used during the year involved to improve the utility of the program.

4. By August 28, 2011, the director shall submit to the general assembly and the MO HealthNet oversight committee a report on the feasibility, potential costs, and potential benefits of making publicly available through an Internet-based program de-identified payment and patient encounter information for items and services furnished under Title XXI of the Social Security Act which would not otherwise be included in the information collected under the federal Medicaid Statistical Information System described in Section 1903(r)(1)(F) of such act and made available under Section 1942 of such act, as added by Section 5008.

5. 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 August 28, 2009, 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.]

[208.202. PREMIUM OFFSET PROGRAM, PILOT PROJECT AUTHORIZED, ELIGIBILITY. —

1. The director of the MO HealthNet division, in collaboration with other appropriate agencies, is authorized to implement, subject to appropriation, a pilot project premium offset program for making standardized private health insurance coverage available to qualified individuals. Subject to approval by the oversight committee created in section 208.955, the division shall implement the program in two regions in the state, with one in an urban area and one in a rural area. Under the program:

(1) An individual is qualified for the premium offset if the individual has been uninsured for one year;

(2) An individual's income shall not exceed one hundred eighty-five percent of the federal poverty level;

(3) The premium offset shall only be payable for an employee if the employer or employee or both pay their respective shares of the required premium. Absent employer participation, a qualified employee, or qualified employee and qualified spouse, may directly enroll in the MO HealthNet premium offset program;

(4) The qualified uninsured individual shall not be entitled to MO HealthNet wraparound services.

2. Individuals qualified for the premium offset program established under this section who apply after appropriation authority is depleted to pay for the premium offset shall be placed on a waiting list for that state fiscal year. If additional money is appropriated the MO HealthNet division shall process applications for MO HealthNet premium offset services based on the order in which applicants were placed on the waiting list.

3. No employer shall participate in the pilot project for more than five years.

4. The department of social services is authorized to pursue either a federal waiver or a state plan amendment, or both, to obtain federal funds necessary to implement a premium offset program to assist uninsured lower-income Missourians in obtaining health care coverage.

5. The provisions of this section shall expire June 30, 2011.]

[208.309. PILOT PROJECTS AUTHORIZED, WHERE — DEFINITIONS. — 1. Sections 208.309 to 208.315 shall be known as the "Elders Volunteer for Elders Project (EVE) Act". Subject to appropriations, the department of social services, division of aging, shall review applications and award grants to at least three community provider organizations for the provisions of services which shall establish a three-year demonstration project designed to prevent the premature or unnecessary institutionalization of Missouri's low-income elderly citizens in specifically defined neighborhoods located in a city not within a county, a city with a population of more than three hundred fifty thousand inhabitants which is located in more than one county and in region 2 of the Missouri area agencies on aging.

2. As used in sections 208.309 to 208.315, the following terms mean:

(1) "Community provider organizations", any:

(a) Charitable organization as defined in section 407.453;

(b) Not-for-profit corporation established pursuant to chapter 355; or

(c) An organization that has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(7) or 501(c)(8) of Title 26, U.S.C., as amended;

(2) "Division", division of aging of the department of social services;

(3) "Elderly low-income person", a Missouri citizen who is sixty years of age or older and whose income is at or below one hundred fifty percent of the federal poverty level;

(4) "Project", a demonstration project directed at Missouri's low-income elderly who are at risk of involuntary and unnecessary institutionalization;

(5) "Recipient", any elderly low-income person who is in need of assistance with at least one of the activities of daily life or assistance with instrumental activities of daily living. The highest priority will be given to those at risk of incapacity adjudication.]

[208.311. PURPOSE OF EVE PROJECTS.— The purpose of the EVE projects shall be:

- (1) To help low-income elderly, adjudicated incapacitated or not, who live within a project's geographical location to obtain access to services to retain their independence and postpone consignment to nursing homes and to improve their quality of life;
- (2) To advocate for low-income elderly during an incapacity adjudication hearing;
- (3) To help those low-income elderly who become institutionalized and who can be restored sufficiently to return home, to do so; and
- (4) To train and support mostly senior volunteers and to add volunteer work opportunities for healthy senior citizens.]

[208.313. DIVISION OF AGING, DUTIES — APPLICATION, CONTENTS. — 1. The division shall review applications and make grant awards to three community provider organizations who meet the criteria and requirements set forth in subsection 2 of this section. One of the community provider organizations shall be located in a city not within a county and the second shall be located in a city with a population of more than three hundred fifty thousand inhabitants which is located in more than one county and the third shall be located in region 2 of the Missouri area agencies on aging.

2. In order to be considered for selection as a demonstration project site a community provider organization shall file an application with the division and present the following information:

- (1) A proposed program, including the approximate number of elderly citizens that the project is designed to reach in a specifically defined neighborhood;
- (2) A proposed budget;
- (3) A proposed program to recruit, train and retain volunteers as case managers and advocates for the low-income elderly of the defined neighborhood;
- (4) A proposed client eligibility and screening process; and
- (5) A proposed format to file an annual external audit and annual comprehensive evaluation of the services provided to the low-income elderly to the division of aging for consideration of potential statewide implementation.]

[208.315. EXPANSION OF PROJECTS. — The division of aging may continue or expand such programs within appropriations.]

[208.335. COMMUNITY REVITALIZATION, DEFINITIONS, AGENCIES STRATEGIES, COMMUNITY PLAN COMPONENTS, RESOURCES, WAIVERS REQUIRED. — 1. The general assembly is committed to community renewal and revitalization, especially in high poverty areas. Community renewal depends on fostering a sense of belonging and a sense of community. Community renewal and revitalization are important for enhancing the quality of life for community residents. To this end, the general assembly supports the development and use of community-based systems of support that include traditional and nontraditional mechanisms for enhancing quality of life.

2. As used in this section, the following terms mean:

- (1) "Community", an area of similar and like interests for developing an infrastructure that supports a self-sufficiency pact, as established in section 208.325, while reducing the need for welfare except as a transitional benefit. A community can include a group of blocks or a self-defined neighborhood in an area;
- (2) "Systems of support", a program, service or other activity with the goal of alleviating poverty or improving the quality of life.

3. The department of social services in collaboration with the department of economic development, department of labor and industrial relations, department of health and senior services, department of mental health and other agencies shall develop a comprehensive methodology to focus a blend of federal, state and local resources on communities to address

issues of poverty specific to the community. Part of this methodology shall be specific strategies for the coordinated use of existing job training programs at the local level, including federal and state job training funds, and the private industry councils. The elimination of duplication of services and the enhancing of access to existing agencies shall be the primary goals of these strategies. The department of social services shall also develop strategies for contracting at the community level with public agencies and private not-for-profit organizations, community action agencies, for the delivery of services to promote self-sufficiency; such services may include the provision of child care, transportation, employment-readiness, and job training. The methodology of the department of social services should include, but need not be limited to:

(1) An inventory of community strengths and weaknesses, including the availability of community services, businesses and individual volunteers;

(2) Assessing the potential for local residents, given sufficient training and financial support, to provide for improved community services and businesses;

(3) Provision of staff resources needed to help identify and inform local residents about the program, organize public meetings, develop local leadership and gain the commitment of local residents for the success of the project; and

(4) Giving preference to projects that would include small businesses managed or owned by local residents. The director of the department of social services shall establish pilot programs that promote local authority and decision making. The department of social services shall give local communities, to the maximum extent possible, authority to direct assistance in conjunction with local resources to provide new and innovative ways of assisting people living in poverty.

4. The department of social services shall accept applications and work with other agencies, subject to appropriation, to establish a pilot project in a city not within a county to develop and implement an alternative neighborhood, community-based program for disadvantaged youths known as the "Youth Build St. Louis" program.

5. Communities should submit a community revitalization plan to the department of social services designed to strengthen local systems of support and provide economic incentives for investment in the community.

6. Local resources shall be identified in the plan which shall be used to expand the community's capacity to sustain residents' self-sufficiency. The plan should be tailored to the community and should build on existing initiatives and service delivery systems.

7. Community agencies which may include community action agencies as defined in section 660.370 shall be used to manage revitalization programs and support system development.

8. Community revitalization plans should include, but not be limited to, the following components:

(1) Community cooperatives which expand the capacity to meet basic needs such as child care;

(2) Transportation strategies, which make better use of existing transportation resources through multisystem use and coordination;

(3) Health care strategies which maximize available resources for the health and safety of the individuals residing in the community;

(4) Community support and volunteer involvement, which maximize human resources and provide residents the opportunity to reinvest in their neighborhoods, volunteer service banks, mentoring and adolescent-specific programs may be included;

(5) Service integration, which improves efficacy and facilitates a needs-based approach to service delivery. Service integration should include common intake and referral strategies;

(6) Economic revitalization, which creates an environment of opportunity and growth. Neighborhood assistance programs and other economic development tools, such as investment incentives should be identified;

(7) Private sector involvement and investment, which ensures the viability of the community is self-sustaining and involves the total community. Community representation and private sector commitments should be specified;

(8) Prevention, which gives families in need of short-term assistance the resources necessary to avoid long-term dependency.

9. Communities receiving assistance to implement a revitalization plan should be provided with the following resources:

(1) Flexible funding, to facilitate the initial organization of community resources and agencies for the purpose of plan implementation;

(2) Technical assistance, for the development of unified intake, referral and service delivery strategies, and communication network systems;

(3) Expanded options, subject to waiver approval, such as wage supplementation and resource and income disregards for welfare recipients to increase the probability of economic independence;

(4) Evaluation of results, to monitor system effectiveness and program impact.

10. The provisions of this section shall be implemented as waivers necessary to ensure continued federal funding are received.]

[208.500. TRANSITIONAL BENEFITS DEMONSTRATION PROJECT — DEFINITIONS. — 1. Sections 208.500 to 208.507 shall be known as "Transitional Benefits Demonstration Project". Subject to appropriations and receipt of a federal waiver, the division of family services shall establish a three-year demonstration project which shall provide transitional benefits to families who lose their eligibility for assistance under aid to families of dependent children because of an increase in earned income.

2. As used in sections 208.500 to 208.507, the following terms mean:

(1) "Child care", child care services provided by the division of family services;

(2) "Division", division of family services of the department of social services;

(3) "Medical services", those services provided for under section 208.152;

(4) "Participant", any recipient who is participating in the demonstration project;

(5) "Project", a demonstration project directed at AFDC recipients who become ineligible for benefits due to an increase in earned income, in which such recipients can receive child care and medical services for an indefinite period of time, not to exceed three years, to assist in the transition from welfare to employment;

(6) "Recipient", any person receiving aid to families of dependent children benefits under section 208.040 or 208.041.]

[208.503. SELECTION OF APPLICANTS — SERVICES, LIMIT — ELIGIBILITY. — 1. The division shall select project participants from applicants who meet the criteria and requirements set forth in subsection 3 of this section.

2. Subject to appropriations, the division shall provide child care and medical services to no more than two hundred fifty head-of-household participants. Such child care and medical services will continue until the earned income of the participant is at least two times the minimum wage. The division shall deliver the transitional child care assistance through a vendor voucher payment or purchase of service system which requires that as the recipient's earned income increases, the recipient shall contribute to the cost of the assistance in accordance with a sliding scale fee established by rule.

3. In order to be considered for selection as a prospective project participant pursuant to sections 208.500 to 208.507:

(1) A person shall apply to the division to participate in the program;

(2) An applicant shall have been a recipient of AFDC benefits for at least twelve of the last thirty-six months preceding application;

(3) The applicant shall have become ineligible for AFDC benefits due to an increase in earned income, within the year preceding application, or is currently receiving transitional child care services as defined in section 208.400;

(4) The applicant shall be employed at the time of application and not receiving employer paid child care or medical services;

(5) The applicant shall meet any other criteria as determined by the division of family services.]

[208.505. DIVISION TO CONDUCT RESEARCH, MAKE RECOMMENDATIONS. — The division of family services shall conduct research to determine the relationship between continued employment of former recipients and providing child care and medical services to participants and shall make recommendations to the general assembly concerning the continuation or modification of the project.]

[208.507. ACQUISITION OF WAIVERS— RULEMAKING, PROCEDURE. — The division of family services shall make such application as necessary to receive federal waiver(s) and shall promulgate rules and regulations necessary to implement the provisions of sections 208.500 to 208.507. 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.]

[208.612. ONE-STOP SHOPPING FOR ELDERLY CITIZENS TO APPLY FOR PROGRAMS. — The departments of social services, mental health, and health and senior services shall collaborate in addressing common problems of the elderly by entering into collaborative agreements and protocols with each other, private, public and federal agencies with the intent of creating one-stop shopping for elderly citizens to apply for all programs for which they are entitled. They shall devise one application form that will provide entry to all available elderly services and programs. Any public elderly service agency that commonly serves elderly persons shall make available and provide information relating to the one-stop shopping concept.]

[208.615. UNMET NEEDS REPORT. — The division of aging shall devise and implement an unmet needs report which standardizes information expected from the various senior-serving agencies, such as the area agencies on aging, and defines the changing needs and problems of elderly citizens of the state, such as hunger, isolation, mental illness, crime and other factors affecting the health, safety and quality of life of elderly persons. Such a report shall be issued annually to the governor, the speaker of the house of representatives, the president pro tempore of the senate and the public.]

[208.700. TITLE— DEFINITIONS. — 1. Sections 208.700 to 208.720 shall be known and may be cited as the "Welfare to Work Protection Act".

2. For purposes of sections 208.700 to 208.720, the following terms shall mean:

(1) "Department", the department of social services;

(2) "Direct placement program", any program in which an office of the department has a prearranged agreement with a specific employer or employers to supply such employer or employers with applicants;

(3) "Employer", an employer that operates the site where a public assistance recipient is employed or placed, and shall not mean any placement agency or temporary help service firm;

(4) "Supplemental wage assistance employment position", any position in which the state of Missouri, through the department or any of its divisions, reimburses the employer for a portion of the wages of such position as an incentive to an employer for hiring designated individuals;

(5) "TANF benefits", temporary assistance for needy families benefits provided pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;

(6) "Work first program", a program in the department of social services implementing the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended. The work first program is not a relief or work training program for purposes of subsection 9 of section 288.034.]

[208.705. WORK FIRST PROGRAM, PARTICIPANTS DEEMED EMPLOYEES, BENEFITS. — Any adult receiving benefits through the work first program employed by or assigned to a subsidized or unsubsidized work activity with an employer shall be considered an employee of the employer to the same extent as other employees of the employer for purposes of all state and federal labor laws, including, but not limited to, laws pertaining to collective bargaining, occupational safety and health, workplace discrimination, unemployment insurance, workers' compensation and minimum wage. Each participant employed by or assigned to a subsidized or unsubsidized work activity with an employer shall receive paid sick, holiday, vacation and all other leave time equivalent to, and on the same basis as, the leave time paid to regular employees. For purposes of this section, "employer" means the employer that operates the site where the recipient is employed or placed, and does not include any placement agency or temporary help service organization.]

[208.710. SUPPLEMENTAL WAGE ASSISTANCE EMPLOYMENT POSITION CREATED — VIOLATIONS, PROCEDURE. — 1. A supplemental wage assistance employment position shall be a new position within that place of employment.

2. Any individual or employee who believes that he or she has been adversely affected by a violation of subsection 1 of this section or an organization that is authorized to represent such individual or employee shall be afforded an opportunity to grieve it. Such individual or employee, or such individual's or employee's organization, shall first attempt to remedy the alleged violation through a meeting with the employer within thirty days of the request for a meeting. If the complaint is not resolved to the satisfaction of the individual or employee, such individual or employee may appeal to the department of labor and industrial relations commission, and the hearing shall be conducted in accordance with rules and notification requirements adopted by the commission and a decision shall be rendered within forty-five days of such hearing. If the individual or employee is aggrieved by the decision of the commission, the individual or employee may, within thirty days of the date of such decision, file a petition for review in the circuit court for the county in which the individual or employee resides. The commission shall not be a party in the action before the circuit court. However, if there is an existing grievance procedure in a collective bargaining agreement, such procedure shall be followed. Remedies shall include reinstatement, and retroactive pay and benefits.

3. Nothing in this section shall preempt or supersede any provision of state law which provides greater protection for employees from job displacement.]

[208.715. REFUSAL OF EMPLOYMENT, EXCEPTIONS TO SANCTIONING OF RECIPIENT. — 1. Direct placement programs are not required to sanction the public assistance recipient who refuses employment or an offer of employment for the following reasons and conditions:

(1) Three or fewer employers are direct placement program participants and such employment or offer of employment requires travel to and from the place of employment and the recipient's home which exceeds a total of two hours in round-trip time, inclusive of the time necessary to transport family members to a school or place providing child care, or when walking is the only available means of transportation, the round-trip is more than four miles; or

(2) The employment or offer of employment involves conditions that are in violation of applicable health and safety standards.

2. Nothing in this section shall preempt or supersede any provision of state law which provides greater protections for public assistance recipients from sanctioning.]

[208.720. EMPLOYER LIST MAINTAINED FOR SUPPLEMENTAL WAGE ASSISTANCE PROGRAMS — LIST AVAILABLE TO PUBLIC. — The department of social services shall maintain lists of employers used in supplemental wage assistance programs, direct placement programs and community work experience programs. The lists shall include the number of clients placed with such employers year to date. Reporting of employer lists and client placement with such employers from service delivery areas to the department shall be made quarterly. Such program employer lists shall be made available to the public upon request.]

[217.105. CORRECTIONS OFFICER CERTIFICATION COMMISSION ESTABLISHED — DEFINITIONS — MEMBERS, QUALIFICATIONS, REMOVAL, VACANCIES, COMPENSATION — DUTIES — CLASSIFICATIONS MAY BE ESTABLISHED — RECORDS. — 1. As used in this section, the following terms mean:

- (1) "COCC", corrections officer certification commission;
- (2) "Corrections officer", a corrections officer of the state or any political subdivision of the state;
- (3) "Director", the director of the Missouri department of corrections or his or her designated agent or representative.

2. There is hereby established within the department of corrections a "Corrections Officer Certification Commission" which shall be composed of nine members nominated by the director and appointed by the governor with the advice and consent of the senate:

(1) Three members shall be department of corrections officers below the rank of lieutenant; of which, at least two will be members of a statewide association of corrections officers with more than one thousand members;

(2) Three members shall be corrections officers or supervisors above the rank of sergeant; two of which must be the rank of lieutenant or captain. Of these three, at least one will be a member of a statewide association of corrections officers with more than one thousand members;

(3) Two members shall be county sheriffs, at least one of whom shall be from a third class county; and

(4) One member shall represent the general public.

3. Each member shall be at the time of appointment a citizen of the United States and a resident of this state for a period of at least one year.

4. The original members of the commission shall be appointed as follows:

(1) Three for terms of one year;

(2) Three for terms of two years; and

(3) Three for terms of three years. Thereafter, all terms of membership on the commission shall be for three years or until a successor is appointed.

5. The director may remove any member of the commission for misconduct or neglect of office. Any member of the commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof.

6. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term.

7. Annually the director shall appoint one of the members as chairperson. The commission shall meet to perform its duties at least once each year as determined by the director or a majority of the members. A majority of the members of the commission shall constitute a quorum.

8. No member of the commission shall receive any compensation for the performance of official duties but the members shall be reimbursed for their necessary expenses.

9. The commission may:

(1) Cause a job task analysis to be made of the jobs of corrections officers pursuant to this chapter;

(2) Make recommendations to the department of corrections, the legislature, or the governor concerning the qualifications, training, testing, and certification of corrections officers;

(3) Recommend qualifications and training standards for corrections officers pursuant to this chapter.

10. The director may establish various classes of corrections officers certification.

11. The name, certification status, and employing corrections agency of any of the applicants or individuals certified pursuant to this chapter shall be open record. All other records retained by the director pertaining to any applicant or certified officer shall be confidential and shall not be disclosed to the public or any member of the public, except with the written consent of the person or entity whose records are involved, provided, however, that the director may disclose such information in the course of interstate exchange of information, during the course of litigation involving the director or to other state agencies. No closed record conveyed to the director pursuant to this chapter shall lose its status as a closed record solely because it is retained by the director. Nothing in this chapter shall be used to compel the director to disclose any record subject to attorney-client privilege or work-product privilege.]

[217.378. REGIMENTED DISCIPLINE PROGRAM (BOOT CAMP) ESTABLISHED, RULES — ELIGIBILITY — SENTENCE BY COURT, WHEN — PROBATION, WHEN — FAILURE TO COMPLETE PROGRAM, EFFECT. — 1. As used in this section, the term "Missouri regimented discipline program" means a program of institutional correctional alternatives in discipline, exercise, and treatment.

2. The department of corrections shall establish by regulation the Missouri regimented discipline program including rules determining how and when a defendant shall be admitted into or removed from the program.

3. Eligibility for the court to impose a sentence to the Missouri regimented discipline program requires:

(1) That the individual so sentenced is on felony probation at the time of the court's consideration, that the conditions of the probation have been violated, that the probationer is subject to revocation and that other community alternatives have been exhausted; or

(2) The court determines that in the absence of the Missouri regimented discipline program the individual would be committed to the department of corrections to serve a prison term; and

(3) The availability of space in the program which shall be determined by the department of corrections. If the court is advised that there is no space available, the court shall consider other authorized dispositions;

(4) That the individual so sentenced must be between the age of seventeen and twenty-five and shall not have a prior felony conviction.

4. Any time prior to one hundred twenty days after commitment of such defendant to the department, the department shall prepare and file with the circuit court a report on the progress of the defendant in the Missouri regimented discipline program.

5. If, within one hundred twenty days after commitment of the defendant, the court is advised by the department of corrections of the individual's successful completion of the regimented discipline program, the court shall cause the individual to be placed on probation prior to the expiration of the one-hundred-twenty-day period. Failure of the individual to complete the program shall be cause to void the right to be considered for probation on this sentence and the individual will serve the sentence prescribed.]

[261.105. DEMONSTRATION AWARDS — TECHNOLOGY AND STRATEGY IN FOOD AND FIBER PRODUCTION — RULE AUTHORIZATION, PROCEDURE. — 1. The department of agriculture shall make demonstration awards, out of appropriations made for that purpose, to the center for sustainable agricultural systems of the University of Missouri college of agriculture for the development and coordination of demonstration projects on the lands of individual farmers in this state which identify, develop and demonstrate agricultural technologies and farm management strategies in food and fiber production carried out under actual farming conditions that will reduce the dependency of food and fiber production on nonrenewable inputs. In any

one fiscal year, no more than thirty such demonstration project awards shall be made and no award shall exceed four thousand five hundred dollars for any one demonstration project. The department of agriculture, in cooperation with the University of Missouri college of agriculture and the University of Missouri extension service, shall promulgate rules and regulations necessary to carry out the provisions of this section and for the identification of demonstration projects and award areas. The demonstration projects shall be selected on a broad geographical basis so that each agricultural area of the state is represented as nearly as practicable. The demonstration projects shall be selected on the basis of innovative practices based on competitive applications received. Each demonstration project shall be monitored by the University of Missouri extension service and a report of the project shall be made to the department of agriculture.

2. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.]

[261.110. DEPARTMENT OF AGRICULTURE TO DEVELOP STANDARDS AND LABELING FOR ORGANIC FARMING — RULEMAKING AUTHORITY. — 1. The department of agriculture shall develop standards and labeling for organic farming.

2. The department of agriculture shall adopt rules to implement the provisions of this section.

3. The department may cooperate with any agency of the federal government, any state, any other agency in this state, any private entity or person engaged in growing, processing, marketing of organic products, or any group of such persons in this state, in programs to effectuate such purposes. Such agreements may provide for cost and revenue sharing, and for division of duties and responsibilities under this section and may include other provisions generally to effectuate the purposes 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, 2002, shall be invalid and void.]

[261.120. ORGANIC PRODUCTION AND CERTIFICATION FEE FUND CREATED. — There is hereby created in the state treasury the "Organic Production and Certification Fee Fund". Fees imposed in accordance with rules promulgated under section 261.110 shall be credited to the organic production and certification fee fund.]

[262.460. MAY PAY FIFTY PERCENT OF CASH PREMIUMS OFFERED BY LOCAL AGRICULTURAL FAIRS, WHEN — DIRECTOR AND FAIR BUILDINGS DEFINED. — 1. The director of the department of agriculture may pay to nonprofit county and district fairs and to regularly organized or incorporated nonprofit agricultural societies having as their object the holding of shows, exhibitions or fairs for the advancement of agriculture in Missouri as partial

reimbursement of premiums paid a percentage not to exceed fifty percent of premiums actually paid by the organizations on approved classes as enumerated in this section. Money received as entry fees and deductions from premiums shall not be considered as premiums paid by the organization and the total amount paid as state aid on the premiums to shows or fairs in any one county shall not exceed thirty-five thousand dollars in any one year, if funds are available. These payments are to be prorated to all participating fairs on a percentage basis of premiums paid on standard classifications approved by the director of the department of agriculture.

2. The director of the department of agriculture shall grant such state aid only on premiums paid on approved classes of:

- (1) Cattle, swine, sheep, goats, farm work stock, including mules shown to halter or farm vehicles, jack stock and light horses to halter;
- (2) Poultry, eggs, rabbits and dairy products;
- (3) Field, garden and horticultural products;
- (4) Home economic products;
- (5) 4-H and vocational agriculture projects including F.F.A.;
- (6) Exhibits by educational institutions.

3. Counties, municipalities, or other political subdivisions may be eligible for matched assistance of not to exceed two thousand five hundred dollars annually to any one such subdivision, for the purpose of new constructions, remodeling, maintaining, repairing, or otherwise making fair buildings more suitable for fair purposes, upon compliance with the requirements of sections 262.460 to 262.465.

4. As used in sections 262.460 to 262.465, the following terms mean:

- (1) "Director", the state director of the department of agriculture;
- (2) "Fair buildings", the youth and agricultural facilities in which a fair is conducted and which are owned by the county or municipality or political subdivision, and are used principally for holding a county fair or community fair.]

[421.028. REGISTRATION OF BEDDING MANUFACTURERS, RENOVATORS AND SANITIZERS — PERMITS ISSUED, PROCEDURE, FEES. — 1. Each bedding manufacturer, renovator or sanitizer shall register with and obtain an initial permit and permit number from the department, which permit shall be renewed annually.

2. Upon timely request by an applicant for an initial permit, the department shall recognize a valid registry, license, permit or factory number issued by another state or jurisdiction, provided that, the applicant complies with all requirements established by the department for issuance of a permit number in this state.

3. The department shall set fees for each class of initial and annual renewal permits, including, but not limited to, manufacturers, renovators and sanitizers in amounts that are reasonable and necessary to defray, but shall not substantially exceed, the cost of administering sections 421.005 to 421.038.]

[453.322. DEFINITIONS. — As used in this section and section 453.325, the following terms shall mean:

- (1) "Division", the division of family services in the department of social services;
- (2) "Maintenance of effort", state funds appropriated for the aid to families with dependent children (AFDC), emergency assistance, AFDC-related child care and the JOBS program;
- (3) "Temporary assistance for needy families", the federal block grant moneys available to the state for public assistance benefits and programs authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and commonly known as "TANF".]

[453.325. GRANDPARENTS AS FOSTER PARENTS PROGRAM ESTABLISHED — ELIGIBILITY REQUIREMENTS — SERVICES PROVIDED. — 1. The division of family services

in the department of social services shall, subject to appropriations, establish the "Grandparents as Foster Parents Program". The grandparents as foster parents program recognizes that:

(1) Raising a grandchild differs from when the grandparents raised their own children;

(2) Caring for a grandchild often places additional financial, social and psychological strain on grandparents with fixed incomes;

(3) Different parenting skills are necessary when raising a grandchild and many grandparents do not possess such skills, are not aware of how to obtain such skills and cannot afford access to the services necessary to obtain such skills;

(4) Grandparents, like nonrelative foster parents, need a support structure, including counseling for the grandchild and caretaker, respite care and transportation assistance and child care;

(5) The level of care provided by grandparents does not differ from nonrelative foster care, but reimbursement for such care is substantially less for grandparents; and

(6) Grandparents are often unaware of the cash assistance alternatives to the federal TANF block grant funds which are available to support the grandchildren placed in their care.

2. A grandparent shall be eligible to participate in the grandparents as foster parents program if such grandparent:

(1) Is fifty years of age or older;

(2) Is the legal guardian of a grandchild placed in such grandparent's custody;

(3) Has an annual household income of less than two hundred percent of the federal poverty level; and

(4) Participates in the training available through the division pursuant to subsection 4 of this section. The division shall annually review the eligibility of grandparents participating in the program.

3. If there are no grandparents of a child who are willing to participate in the grandparents as foster parents program, the division may include in the program any other close relative who becomes the legal guardian of the child or obtains legal custody of the child, as granted by a court of competent jurisdiction if such relative also meets the requirements of subdivisions (1), (3) and (4) of subsection 2 of this section.

4. Subject to appropriations, the grandparents as foster parents program:

(1) Shall provide reimbursement up to seventy-five percent of the current foster care payment schedule to eligible grandparents, as defined in subsection 2 of this section, for the care of a grandchild;

(2) Shall establish program requirements, including, but not limited to, participation in foster parent training, parenting skills training, childhood immunizations and other similar health screens;

(3) Shall provide continuing counseling for the child and grandparent;

(4) May provide support services, including, but not limited to, respite care, child care and transportation assistance. Eligibility for child-care services pursuant to this program shall be based on the same eligibility criteria used for other child-care benefits provided by the division of family services;

(5) Shall provide Medicaid services to such child;

(6) May provide ancillary services, such as child care, respite care, transportation assistance and clothing allowances, but not direct financial payments to the participants in the program after such participants complete the training required in subdivision (2) of this subsection; and

(7) Shall establish criteria for the reduction in cash benefits received by any grandparent providing care for three or more grandchildren pursuant to the grandparents as foster parents program.

5. Funding for cash benefits and other assistance provided to eligible grandparents shall be made from the state maintenance of effort funds. The provisions of this section shall not be construed to create an entitlement for participants in the program.

6. Grandparents who are either under fifty years of age, or are fifty years of age or older and refuse to participate in the training pursuant to subsection 2 of this section but who meet the requirements of subdivisions (1), (2) and (3) of subsection 2 of this section, may apply to the division for foster care reimbursement and assistance. Such cash and noncash assistance shall be funded through the TANF funds. Any work participation and time limit requirements pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, shall apply to all such persons.]

[476.415. COMMISSION ON JUDICIAL RESOURCES, ESTABLISHED — MEMBERS, TERMS — ACCESS TO REPORTS, WHEN — STAFF ALLOWED, ASSISTANCE RENDERED, WHEN. — 1. There is hereby created a "Commission on Judicial Resources", to be comprised of the following persons:

- (1) A circuit court judge elected by the circuit court judges of the state;
- (2) A judge of the court of appeals elected by the judges of the court of appeals of the state;
- (3) An associate circuit judge elected by the associate circuit judges of the state;
- (4) A senior judge under the provisions of section 476.001 appointed by the supreme court;
- (5) An attorney appointed by the board of governors of the Missouri Bar;
- (6) The chairman of the judiciary committee of the senate;
- (7) The chairman of the judiciary committee of the house of representatives;
- (8) A member of the appropriations committee of the senate, appointed by the president pro tem;
- (9) A member of the budget committee of the house of representatives, appointed by the speaker;
- (10) The executive director of the public defender commission; and
- (11) One prosecuting or circuit attorney elected by the prosecuting and circuit attorneys of this state.

2. The legislative members of the commission shall serve during the period they hold the committee assignments qualifying them for the office. The appointed and elective members shall serve for two years and until their successors are appointed and qualified. If a vacancy occurs in any of the appointed or elected members, a successor shall be appointed or elected by the body originally appointing or electing the position for whom the vacancy occurs for the remainder of the unexpired term. The commission shall meet within sixty days after the appointment of the members at the call of the chief justice of the supreme court and shall meet subsequently at the call of the chairman. The commission shall elect its own officers as necessary. The members of the commission shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses paid out of appropriations made for that purpose except that senior judges shall be credited for time actually spent in the performance of duties according to section 476.682.

3. The commission shall have full access to the reports filed pursuant to section 476.412, examine and prepare a digest of such reports, conduct a comprehensive study of the state's judicial system, assess the needs, priorities, workload, case management and general performance of the court system and for the judges thereof. The commission shall make an annual report to the supreme court and the general assembly before the convening of each session of the general assembly in which they shall detail the true state of the judicial system in this state, its success or inability to handle the caseload, and the efficiency of disposition of judicial business and the administration of justice. The report shall detail the utilization of judges transferred between circuits and of senior judges as provided in section 476.681, including an appraisal of the effect that the appointment of senior judges and transfer of judges has on the efficiency of the courts and the reduction of caseloads. The report shall include a detailed breakdown of the needs of specific courts and the commission's recommendations.

4. The clerk of the supreme court shall provide suitable staff for the commission out of any funds appropriated for this purpose. The commission may seek and receive gifts, donations and grants in aid from private or other sources to defray expenses incurred in its assessment of judicial resources.]

[633.180. CASH STIPEND, ELIGIBILITY, AMOUNT, PAYMENT, USE — APPLICATION. — 1.

A family with an annual income of sixty thousand dollars or less which has a child with a developmental disability residing in the family home shall be eligible to apply for a cash stipend from the division of developmental disabilities in an amount to be determined by the regional advisory council. Such cash stipend amount shall not exceed the maximum monthly federal Supplemental Security Income payment for an individual with a developmental disability who resides alone. Such stipend shall be paid on a monthly basis and shall be considered a benefit and not income to the family. The stipend shall be used to purchase goods and services for the benefit of the family member with a developmental disability. Such goods and services may include, but are not limited to:

- (1) Respite care;
- (2) Personal and attendant care;
- (3) Architectural and vehicular modifications;
- (4) Health- and mental health-related costs not otherwise covered;
- (5) Equipment and supplies;
- (6) Specialized nutrition and clothing;
- (7) Homemaker services;
- (8) Transportation;
- (9) Integrated community activities;
- (10) Training and technical assistance; and
- (11) Individual, family and group counseling.

2. Application for such stipend shall be made to the appropriate regional center. The regional center shall determine the eligibility of the individual to receive services from the division and the division shall forward the application to the regional advisory council to determine the amount of the stipend which may be approved by the council.

3. The family support program shall be funded by moneys appropriated by the general assembly; however, the family support program shall not supplant other programs funded through the division of developmental disabilities.]

[633.185. FAMILY SUPPORT LOAN PROGRAM — INTEREST RATE — AMOUNT — APPLICATION — FAMILY SUPPORT LOAN PROGRAM FUND CREATED. — 1.

The division of developmental disabilities, subject to appropriation by the general assembly, is authorized to implement and administer, as part of the family support program, a family support loan program, which shall provide a family with an annual income of sixty thousand dollars or less which has an individual with a developmental disability residing in the home, with low-interest, short-term loans to purchase goods and services for the family member with a developmental disability.

2. Interest rates on loans made pursuant to the provisions of this section shall be no more than one percent above the prime interest rate as determined by the federal reserve system on the date the loan is approved. Loans may be for a maximum period of sixty months and the outstanding loan amount to any family may be no more than ten thousand dollars.

3. Applications for loans shall be made to the appropriate regional center. The regional center shall determine the eligibility of the individual to receive services from the division and the division shall forward the application to the regional advisory council to determine the amount of the loan which may be approved by the council.

4. There is hereby created in the state treasury for use by the department of mental health a fund to be known as the "Family Support Loan Program Fund". Moneys deposited in the fund shall be appropriated to the director of the department of mental health to be used for loans

pursuant to this section. The fund shall consist of moneys appropriated by the general assembly for starting the fund and money otherwise deposited according to law. Any unexpended balance in the fund at the end of any biennium, not to exceed twice the annual loans made pursuant to this act in the previous fiscal year, is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the ordinary revenue fund.]

[660.016. LOANS FOR PHYSICIANS AND NURSES — HEALTH CARE INITIATIVES — TRANSITIONAL MEDICAID EXPENSES OF CERTAIN AFDC RECIPIENTS — DESIGNATION OF FUNDS. — If the state's net federal reimbursement allowance for fiscal year 1994 and subsequent fiscal years exceeds one hundred thirty million dollars, the department of social services shall include in its 1995 fiscal year budget recommendation that any revenues in excess of one hundred thirty million dollars subject to appropriation be designated for the following purposes:

(1) Loans for physicians and nurses who will serve in medically underserved areas of Missouri as designated by the director of health and senior services;

(2) Primary and preventive care initiatives, including parenting classes, as determined by the directors of health and senior services and social services; and

(3) Transitional Medicaid expenses of AFDC recipients who accept employment which does not provide a medical benefit. As used in this section, "net federal reimbursement allowance" shall mean that amount of the federal reimbursement allowance in excess of the amount of state matching funds necessary for the state to make payments required by subsection 1 of section 208.450, or, if the payments exceed the amount so required, the actual payments made for the purposes specified in subsection 1 of section 208.450.

This section shall cease to be in effect if the revenues generated by sections 208.450 to 208.480 become ineligible for federal financial participation, if payments cease to be made pursuant to section 208.471, or if such sections expire in accordance with section 208.480.]

[660.019. DEFINITIONS. — For the purposes of sections 660.019 to 660.021, the following terms mean:

(1) "Caseload standards", the minimum and maximum number of cases that an employee can reasonably be expected to perform in a normal work month based on the number of cases handled by, or the number of different job functions performed by, the employee;

(2) "Department", the department of social services;

(3) "Director", the director of the department of social services;

(4) "Professional caseload standards", caseload standards that are established by the director, after consideration of caseload standards established by national setting authorities such as the Child Welfare League, National Eligibility Workers Associations and the National Association of Social Workers, or caseload standards used in other states which have similar job titles.]

[660.020. CASELOAD STANDARDS. — 1. The director shall develop caseload standards based on the actual duties of employees in each program area of the department, after considering recommendations of the caseload standards advisory committee, established pursuant to section 660.021, and consistent with existing professional caseload standards.

2. In establishing standards pursuant to sections 660.019 to 660.021, the director shall:

(1) Ensure the standards are based on the actual duties of the caseworker;

(2) Ensure the standards are consistent with existing professional caseload standards; and

(3) Consider standards developed by other states for workers in similar positions of employment.

3. Such standards shall be used by the director as the basis of the department's personnel budget request to the governor.

4. If an employee has failed to satisfactorily complete assignments that are in excess of specified caseload standards, good faith efforts to complete such assignments shall be among the factors considered in the employee's performance evaluation.

5. Subject to appropriations, the department shall use the standards established pursuant to sections 660.019 to 660.021 to assign caseloads to individual employees.]

[660.021. CASELOAD STANDARDS COMMITTEE CREATED, MEMBERS, DUTIES. — 1. The director shall convene, at least biannually, a caseload standards committee which shall consist of seven nonsupervisory employees of the department and three division directors of the department or their designees. A representative of the employees' certified majority organization shall also serve on the committee in an advisory capacity, but may not vote on any measure before the committee. The caseload standards advisory committee shall include as nearly as possible employees from each program area of the department.

2. The caseload standards advisory committee shall review professional and other caseload standards and recommendations the committee considers appropriate and recommend to the department minimum and maximum caseloads for each category of workers employed by the department.]

[660.530. DEFINITIONS. — As used in sections 660.530 to 660.545, the following terms mean:

(1) "Child day care center", a community facility which provides care to a child age six weeks to fourteen years. Such care shall be provided for a portion of the day, and less than twenty-four hours outside the home in a facility licensed and approved in accordance with applicable local, state and federal standards for child day care;

(2) "Director", the director of the department of social services;

(3) "Residential health care facility", a facility licensed pursuant to the provisions of chapter 198;

(4) "Senior citizen services center", a community facility which provides to older adults a combination of services, including the provision of health, social, educational and recreational services.]

[660.532. COMBINED CENTERS GRANTS PROGRAM, PURPOSES — GRANTS AWARDED TO EXISTING OR NEW PROGRAMS, WHAT COSTS TO BE PAID. — 1. Notwithstanding any other provision of law to the contrary, with the amounts made available therefor by appropriation, a "Combined Senior Citizen Services Center/Residential Health Care Facility/Child Day Care Center Community Grants Program" is hereby established on a pilot project basis. The purpose of such a program shall be to promote innovative and cost-effective means of providing existing or proposed senior citizen services center or residential health care facilities and child day care centers in a combined center. Such centers shall provide and combine, to the extent possible and financially feasible, services that include, but are not limited to, staffing and administration, transportation, nutrition and health, and the costs of utilities, heat, insurance and rent or mortgages.

2. Grants may be awarded for combining separately existing programs or for combining newly proposed programs. Such grants necessary to combine programs shall be limited to start-up costs that may include planning and administrative costs for the purpose of combining such programs, moving expenses and minor capital improvements and up to the first two months' expenses for salaries or wages, training, rent or mortgage payments, utilities and insurance or such other start-up costs identified and approved by the director of the department of social services.]

[660.534. PILOT PROJECT RULES AUTHORIZED — PROMULGATION, PROCEDURE. — The director of the department of social services shall promulgate rules and regulations necessary to

implement and administer the combined senior citizen services center/child day care center or residential health care facility/child day care center community grants program as provided for in sections 660.530 to 660.545 on a pilot project basis. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.]

[660.535. PUBLIC AND PRIVATE ORGANIZATIONS ELIGIBLE FOR GRANTS — TWO OR MORE MAY JOIN FOR PURPOSES OF PROGRAM. — 1. Public and private not-for-profit organizations and corporations shall be eligible for purposes of application for grants provided for in sections 660.530 to 660.545 subject to any rules or regulations promulgated by the director. Two or more organizations may join together for the purposes of sections 660.530 to 660.545.

2. General business corporations, public and private, and not-for-profit corporations, partnerships, limited partnerships, associations, and sole proprietorships shall be eligible for purposes of application for grants provided for in sections 660.530 to 660.545 subject to any rules or regulations promulgated by the director. Two or more organizations may join together for the purposes of sections 660.530 to 660.545.]

[660.537. PUBLICIZING OF AVAILABLE FUNDS FOR PROGRAM — DUTIES OF DIRECTOR. — The director shall publicize the availability of moneys to be used for the purposes of sections 660.530 to 660.545. The director shall request, on forms prescribed by him, such information as he determines relevant and necessary to the evaluation of each application. The director shall solicit comments on the application from other concerned agencies such as the designated area agency on aging, the local division of family services office, the local department of health and from other groups concerned with the needs of the elderly or children.]

[660.539. APPLICATIONS FOR GRANTS, FORMS, CONTENT. — The application shall include plans for coordinating, combining and consolidating existing or proposed senior citizen services centers, or residential health care facilities and child day care centers. Such applications shall include to the extent possible:

(1) The start-up costs necessary only to combine such programs. Such costs may include planning and administrative expenses for the purpose of combining such programs, moving expenses and minor capital improvements, and up to the first two months' expenses for salaries or wages, training, rent or mortgage payments, utilities and insurance and such other start-up costs identified and approved by the director;

(2) An outline of steps to be taken to ensure the health, safety and welfare of the program participants;

(3) Innovative utilization of operating funds, which may include, but not be limited to, pooling of administrative and support staff, insurance costs, maintenance costs, transportation services, nutrition services, energy costs, building space, health services and supplies;

(4) The impact and effectiveness of the program in meeting the community's need for such programs;

(5) The range and type of services to be offered and the number and types of personnel to be employed;

(6) Coordination with other community services;

(7) Sources of revenue during the term of the pilot project and anticipated revenue sources after the project terminates, and the manner in which all available reimbursement for services will be sought;

(8) Such other information as required by the director to satisfy him that senior citizen services center, residential health care and child day care regulations and licensing requirements have been met;

(9) Such other information as deemed pertinent by the director.]

[660.541. DIRECTOR MAY REQUIRE MODIFICATIONS—AMOUNT OF GRANT—CERTAIN FUNDS NOT TO BE TRANSFERABLE OR SUBSTITUTED. — 1. The director shall review and, where necessary, require modifications and, upon such modifications, approve no fewer than three applications.

2. A grant amount available under this program shall not exceed the total start-up costs necessary only to combine existing or newly proposed programs, less any income from governmental, third party or any other sources that may be available for the purpose of combining such programs.

3. Grants shall be made available for each combined program on a one-time basis.

4. Notwithstanding any other provision of law to the contrary, costs incurred combining such programs or attributable to the operation of the child care center may not be transferred to a residential health care facility for purposes of reimbursement under Title XIX of the federal Social Security Act nor shall funding for combining such programs be substituted for funds provided under the Federal Older Americans Act of 1965 as amended, the Social Service Block Grants under Title XX of the Social Security Act, or any other federal, state or local funding.

5. Upon approval thereof, the director shall determine the amount of payment and shall contract with each grantee who has an approved application for payment of the start-up costs of the pilot project.]

[660.543. GRANTEE TO FURNISH REPORT TO DIRECTOR, CONTENT. — Each grantee receiving payments under the provisions of sections 660.530 to 660.545 shall submit to the director within a reasonable period of time specified by the director, a report following guidelines prepared by the director which shall include, but not be limited to:

(1) The manner in which payments as provided by subdivision (3) of section 660.539 were expended;

(2) A description of the scope, status and quality of the project funded;

(3) The extent to which the program reduced expenditures or realized savings;

(4) The impact and effectiveness of this program in meeting the community's needs for senior citizen services, residential health care and child day care and the social benefit the program provided to the children and senior citizens in the program;

(5) The extent to which the program coordinated services with other community services; and

(6) The manner in which all available reimbursement for services has been sought, and the manner in which such reimbursement was expended.]

[660.545. DIRECTOR TO MAKE ANNUAL REPORT, CONTENT. — The director shall prepare a summary of the reports required by section 660.543 and incorporate them into an annual report, and submit such report to the governor, the speaker of the house of representatives and the president pro tem of the senate by January fifteenth of each year beginning January 15, 1992. Such annual reports shall include any recommendations for legislation.]

[660.725. TRANSPORTATION OF ELDERLY PERSON'S FOR HEALTH CARE-RELATED SERVICES — PROGRAM AUTHORIZED IN EACH AREA AGENCY ON AGING — SUNSET PROVISION. — 1. Each area agency on aging may establish a program that provides for volunteers to provide transportation within the geographic area of the agency to elderly persons to health care facilities for scheduled appointments or for other health care-related purposes.

2. Such volunteers shall utilize their own vehicles and shall be reimbursed for miles driven to provide transportation for elderly persons under the program. The area agency on aging may pay each volunteer a mileage allowance or reimbursement at the same rate as for state employees under section 33.095.

3. The area agency on aging may encourage passengers under the program to reimburse the agency for all or part of the cost of providing such transportation services.

4. Any volunteer seeking a mileage allowance or reimbursement shall submit a monthly report to the agency detailing the transportation services provided, the dates of such services, and the miles driven. The agency may request further information from the volunteer on the monthly report.

5. Subject to appropriations, each area agency on aging may request funding of up to one thousand dollars annually per county for each county within the agency's jurisdiction from the department of health and senior services to assist with the costs associated with administering this program.

6. Pursuant to section 23.253 of the Missouri sunset act:

(1) Any new program authorized under this section shall automatically sunset six years after August 28, 2007, 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 a program authorized under this section is sunset.]

Approved July 13, 2012

HB 1644 [HCS HB 1644]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding excursion gambling boat licenses

AN ACT to repeal section 313.807, RSMo, and to enact in lieu thereof one new section relating to the licensing period for certain licenses issued by the Missouri gaming commission.

SECTION

A. Enacting clause.

313.807. Excursion gambling boat license, application, fee — occupational license, application, fee — supplier license, application, fee — limited license, allowed, when.

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

SECTION A. ENACTING CLAUSE. — Section 313.807, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.807, to read as follows:

313.807. EXCURSION GAMBLING BOAT LICENSE, APPLICATION, FEE — OCCUPATIONAL LICENSE, APPLICATION, FEE — SUPPLIER LICENSE, APPLICATION, FEE — LIMITED LICENSE, ALLOWED, WHEN. — 1. A person may apply to the commission for a license to conduct gambling games on an excursion gambling boat or to operate an excursion gambling boat as provided in sections 313.800 to 313.850. The application for such licenses shall be filed with the commission and shall identify the excursion gambling boat upon which gambling games will be authorized, shall specify the exact location where the excursion gambling boat will be docked, shall specify the extent of the land-based economic development or impact and an affirmative action plan for ownership, contracting and recruiting, training and hiring of minorities and women in all employment classifications for that area, a lease with a home dock city or county, or in lieu thereof a resolution adopted by a city or county supporting or opposing the docking and land-based economic development or impact plan of the operator, and shall be in a form and contain information as the commission prescribes. If a city or county fails to pass a

resolution, such action shall not adversely affect the application which shall be deemed complete. The applicant for such license shall file with the application a nonrefundable fee of fifty thousand dollars or fifteen thousand dollars for each person to be investigated, whichever amount is greater. The applicant shall be responsible for the total cost of the investigation. If the cost of the investigation exceeds the total amount of fees filed by the applicant in this subsection, the commission may assess additional fees as it deems appropriate; however, if the applicant is denied a license, the applicant shall be entitled to a refund of the difference between the application fee and the actual cost of the investigation. The initial license and first subsequent license renewal of an excursion gambling boat operator shall be for a period of one year. Thereafter, license renewal periods shall be ~~[two]~~ **four** years. However, the commission may reopen licensing hearings at any time. The annual fee for anyone licensed pursuant to this subsection shall be set by the commission at a minimum of twenty-five thousand dollars.

2. A person may apply to the commission for a license to conduct an occupation within excursion gambling boat operations which the commission has identified as requiring a license. The commission shall establish and charge holders of occupational licenses an annual license fee for each occupation in amounts determined appropriate by the commission and shall be charged each year the license is in effect. The commission shall set a nonrefundable filing fee to cover the cost of any investigation. Each applicant for a license pursuant to this subsection shall ~~[annually]~~ **biennially** file for a license.

3. A supplier shall ~~[annually]~~ **biennially** apply for a license. The application fee shall be a nonrefundable amount set by the commission to cover the cost of any investigation. The annual fee for such license shall be set by the commission. The commission shall set all standards for equipment and supplies.

4. A licensee licensed to conduct gambling games shall acquire all gambling games or implements of gambling from a licensed supplier or from a person or entity approved by the commission. A licensee shall not sell or give gambling games or implements of gambling to another licensee without the commission's prior written approval. Any licensed supplier shall have a registered agent within this state.

5. The commission may issue a limited license to operate an excursion gambling boat as defined pursuant to subdivision (7) of section 313.800 at a dock other than its home dock, if such city or county where such dock is located has approved gambling games on excursion gambling boats pursuant to subsection 10 of section 313.812.

6. Prior to granting a license for an excursion gambling boat, the commission shall ensure that the applicant complies with all local zoning laws, provided that such laws were not changed to the detriment of the applicant having an ownership interest, including without limitation, an option to purchase, a contingent purchase agreement, leasehold interest or contingent leasehold interest, that is the subject of the zoning law change when such law is enacted subsequent to the filing of such application. Nothing in this section shall be construed to prohibit a change in local law in favor of the applicant having the ownership interest in the property.

Approved July 10, 2012

HB 1647 [SS HCS HB 1647]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding public safety

AN ACT to repeal sections 190.335, 259.010, 259.020, 259.030, 259.040, 259.070, 260.392, 292.606, 301.010, 320.106, 320.131, 320.136, 321.460, 414.530, 414.560, 414.570,

475.375, 488.5026, 561.026, 565.081, 565.082, 565.083, 571.020, 571.030, 571.101, 571.111, 571.117, and 650.230, RSMo, and to enact in lieu thereof thirty-seven new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

SECTION

- A. Enacting clause.
- 190.335. Central dispatch for emergency services, alternative funding by county sales tax, procedure, ballot form, rate of tax — collection, limitations — adoption of alternate tax, telephone tax to expire, when — board appointment and election, qualification, terms — continuation of board in Greene County — board appointment in Christian and Taney counties.
- 259.010. Council established.
- 259.020. Council membership.
- 259.030. Council officers.
- 259.040. Expenses of members.
- 259.070. Powers and duties of council — rulemaking, procedure.
- 260.373. Rulemaking authority, limitations on — identification of inconsistent rules.
- 260.392. Definitions — fees for transport of radioactive waste — deposit of moneys, use — notice of shipments — sunset provision.
- 292.606. Fees, certain employers, how much, due when, late penalty — deductions — excess credited when — agencies receiving funds, duties — use of funds, commission to establish criteria.
- 292.655. Definitions — needles used by employers in conduct of business, any commercially available may be used.
- 301.010. Definitions.
- 304.033. Recreational off-highway vehicles, operation on highways prohibited, exceptions — operation within streams and rivers prohibited, exceptions — license required for operation, exception.
- 320.106. Definitions.
- 320.131. Possession, sale and use of certain fireworks prohibited — restrictions — label required — items not regulated.
- 320.136. Ground salutes, special type, prohibited.
- 321.228. Residential construction regulatory system, pre-emption of law by local governmental body over fire protection district, when, exceptions.
- 321.460. Consolidation of districts, procedure — may also provide ambulance service — election, ballot form.
- 414.530. Propane education and research council creation, assessment upon odorized propane — procedure.
- 414.560. Selection of members — number of members, compensation, terms — chairman, president — budget — programs and projects — records — costs.
- 414.570. Assessment, amount — payment — late payment, charges — investment of funds — rulemaking authority.
- 488.650. Expungement cases under section 610.140, surcharge, amount.
- 488.5026. Two dollar surcharge for all criminal cases, funds to be deposited in inmate prisoner detainee security fund.
- 561.026. Disqualification from voting and jury service.
- 565.081. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker, utility worker, cable worker, or probation and parole officer in the first degree, definition, penalty.
- 565.082. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker, utility worker, cable worker, or probation and parole officer in the second degree, definition, penalty.
- 565.083. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker, utility worker, cable worker, or probation and parole officer in the third degree, definition, penalty.
- 571.020. Possession — manufacture — transport — repair — sale of certain weapons a crime — exceptions — penalties.
- 571.030. Unlawful use of weapons — exceptions — penalties.
- 571.037. Open display of firearm permitted, when.
- 571.092. Restriction on transfer and possession of firearms, petition for removal of, when, requirements.
- 571.101. Concealed carry endorsements, application requirements — approval procedures — issuance of certificates, when — record-keeping requirements — fees.
- 571.111. Firearms training requirements — safety instructor requirements — penalty for violations.
- 571.117. Revocation procedure for ineligible certificate holders — sheriff's immunity from liability, when.
- 610.140. Expungement of certain criminal records, petition, contents, procedure.
- 650.230. Exemptions.
- 701.550. Definitions — requirements for towers 50 feet or higher — violation, penalty.
1. Medical needles, employer use of OSHA- or FDA-approved devices permitted.
- 475.375. Firearms, petition to remove disqualification, when, procedure.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 190.335, 259.010, 259.020, 259.030, 259.040, 259.070, 260.392, 292.606, 301.010, 320.106, 320.131, 320.136, 321.460, 414.530, 414.560, 414.570, 475.375, 488.5026, 561.026, 565.081, 565.082, 565.083, 571.020, 571.030, 571.101, 571.111, 571.117, and 650.230, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 190.335, 259.010, 259.020, 259.030, 259.040, 259.070, 260.373, 260.392, 292.606, 292.655, 301.010, 304.033, 320.106, 320.131, 320.136, 321.228, 321.460, 414.530, 414.560, 414.570, 488.650, 488.5026, 561.026, 565.081, 565.082, 565.083, 571.020, 571.030, 571.037, 571.092, 571.101, 571.111, 571.117, 610.140, 650.230, 701.550, and 1, to read as follows:

190.335. CENTRAL DISPATCH FOR EMERGENCY SERVICES, ALTERNATIVE FUNDING BY COUNTY SALES TAX, PROCEDURE, BALLOT FORM, RATE OF TAX — COLLECTION, LIMITATIONS — ADOPTION OF ALTERNATE TAX, TELEPHONE TAX TO EXPIRE, WHEN — BOARD APPOINTMENT AND ELECTION, QUALIFICATION, TERMS — CONTINUATION OF BOARD IN GREENE COUNTY — BOARD APPOINTMENT IN CHRISTIAN AND TANEY COUNTIES. — 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

YES NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants **or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants** that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. **Except as provided in subdivision (4) of this subsection**, each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.

259.010. COUNCIL ESTABLISHED. — There shall be a "State Oil and Gas Council" composed of the following [state agencies and two other persons as provided in] **members in accordance with the provisions of section 259.020:**

- (1) **One member from the** division of [geological survey and water resources] **geology and land survey;**
- (2) [Division of commerce and industrial] **One member from the department of economic development;**
- (3) **One member from the** Missouri public service commission;
- (4) **One member from the** clean water commission;
- (5) [University of] **One member from the Missouri University of Science and Technology Petroleum Engineering Program;**
- (6) **One member from the Missouri Independent Oil and Gas Association; and**
- (7) **Two members from the public.**

259.020. COUNCIL MEMBERSHIP. — The member [agencies] **entities in section 259.010** shall be represented on the council by the executive head of [the agency] **each respective entity,** except that:

- (1) The [University of] Missouri **University of Science and Technology** shall be represented by a professor of petroleum engineering employed at the university [of Missouri] ;
- (2) **The Missouri Independent Oil and Gas Association shall be represented by a designated member of the association; and**
- (3) **The public members shall be appointed to the council by the governor, with the advice and consent of the senate. Both public members shall have an interest in and knowledge of the oil and gas industry, both shall be residents of Missouri, and at least one shall also be a resident of a county of the third or fourth classification.**

The executive head of any member **state agency, the professor of petroleum engineering at the Missouri University of Science and Technology and the member from the Missouri Independent Oil and Gas Association** may from time to time authorize any member of the **state agency's staff, another professor of petroleum engineering at the Missouri University of Science and Technology or another member of the Missouri Independent Oil and Gas Association, respectively,** to represent it on the council and to fully exercise any of the powers and duties of [an agency] **the member** representative. [Two other persons shall be appointed to the council by the governor, with the advice and consent of the senate, who are residents of Missouri and who shall have an interest in and knowledge of the oil and gas industry.]

259.030. COUNCIL OFFICERS. — 1. The council shall elect a chairman and vice chairman from the members of the council other than the representative of the division of [geological survey and water resources] **geology and land survey.** A chairman **and vice chairman** may serve more than [one] **a one-year term, if so elected by the members of the council.**

2. The state geologist shall act as administrator for the council and shall be responsible for enforcing the provisions of this chapter.

259.040. EXPENSES OF MEMBERS. — Representatives of the member **state agencies** shall not receive any additional compensation for their services as representatives on the council and all expenses of **the state agency** representatives shall be paid by their respective agency. [Members appointed because of their interest in and knowledge of the oil and gas industry] **The professor of petroleum engineering, the member from the Missouri Independent Oil and**

Gas Association and the public members shall not receive any compensation for their services as **representatives on the council and all expenses of such representatives shall be paid by their respective entities.**

259.070. POWERS AND DUTIES OF COUNCIL — RULEMAKING, PROCEDURE. — 1. The council has the duty of administering the provisions of this chapter. **The council shall meet at least once each calendar quarter of the year and upon the call of the chairperson.**

2. **The council shall conduct a review of the statutes and rules and regulations under this chapter on a biennial basis. Based on such review, the council, if necessary, shall recommend changes to the statutes under this chapter and shall amend rules and regulations accordingly.**

3. (1) **The council shall have the power and duty to form an advisory committee to the council for the purpose of reviewing the statutes and rules and regulations under subsection 2 of this section. The advisory committee shall make recommendations to the council when necessary to amend current statutes and rules and regulations under this chapter and shall review any proposed new or amended statute or regulation before such proposed statute or regulation is considered by the council.**

(2) **The advisory committee shall be made up of representatives from the division of geology and land survey, the oil and gas industry and any council member desiring to be on such advisory committee. The advisory committee shall meet prior to each calendar quarter meeting of the council, if necessary for the purposes set forth under this subsection, and present any recommendations to the council at such calendar quarter meeting. The council shall designate one of its members to serve as the chairperson of the advisory committee.**

(3) **The advisory committee may make recommendations to the council on appropriate fees or other funding mechanisms to support the oil and gas program efforts of the division of geology and land survey.**

4. **The council has the duty and authority to make such investigations as it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify action.**

5. **The council acting through the office of the state geologist has the authority:**

(1) **To require:**

(a) **Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the refining or intrastate transportation of oil and gas;**

(b) **The making and filing of all mechanical well logs and the filing of directional surveys if taken, and the filing of reports on well location, drilling and production, and the filing free of charge of samples and core chips and of complete cores less tested sections, when requested in the office of the state geologist within six months after the completion or abandonment of the well;**

(c) **The drilling, casing, operation, and plugging of wells in such manner as to prevent the escape of oil or gas out of one stratum into another; the intrusion of water into oil or gas stratum; the pollution of fresh water supplies by oil, gas, or highly mineralized water; to prevent blowouts, cavings, seepages, and fires; and to prevent the escape of oil, gas, or water into workable coal or other mineral deposits;**

(d) **The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the council prescribed to govern the production of oil and gas on state and private lands within the state of Missouri; provided that, in lieu of a bond with a surety, an applicant may furnish to the council his own personal bond, on conditions as described in this paragraph, secured by a certificate of deposit or an irrevocable letter of credit in an amount equal to that of the required surety bond or secured by some other financial instrument on conditions as above described or as provided by council regulations;**

(e) That the production from wells be separated into gaseous and liquid hydrocarbons, and that each be accurately measured by such means and upon such standards as may be prescribed by the council;

(f) The operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios;

(g) Certificates of clearance in connection with the transportation or delivery of any native and indigenous Missouri produced crude oil, gas, or any product;

(h) Metering or other measuring of any native and indigenous Missouri-produced crude oil, gas, or product in pipelines, gathering systems, barge terminals, loading racks, refineries, or other places; and

(i) That every person who produces, sells, purchases, acquires, stores, transports, refines, or processes native and indigenous Missouri-produced crude oil or gas in this state shall keep and maintain within this state complete and accurate records of the quantities thereof, which records shall be available for examination by the council or its agents at all reasonable times and that every such person file with the council such reports as it may prescribe with respect to such oil or gas or the products thereof;

(2) To regulate pursuant to rules adopted by the council:

(a) The drilling, producing, and plugging of wells, and all other operations for the production of oil or gas;

(b) The shooting and chemical treatment of wells;

(c) The spacing of wells;

(d) Operations to increase ultimate recovery such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations; and

(e) Disposal of highly mineralized water and oil field wastes;

(3) To limit and to allocate the production of oil and gas from any field, pool, or area;

(4) To classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter;

(5) To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and the intent of this chapter;

(6) To make rules, regulations, or orders for the classification of wells as oil wells or dry natural gas wells; or wells drilled, or to be drilled, for geological information; or as wells for secondary recovery projects; or wells for the disposal of highly mineralized water, brine, or other oil field wastes; or wells for the storage of dry natural gas, or casinghead gas; or wells for the development of reservoirs for the storage of liquid petroleum gas;

(7) To detail such personnel and equipment or enter into such contracts as it may deem necessary for carrying out the plugging of or other remedial measures on wells which have been abandoned and not plugged according to the standards for plugging set out in the rules and regulations promulgated by the council pursuant to this chapter. Members of the council or authorized representatives may, with the consent of the owner or person in possession, enter any property for the purpose of investigating, plugging, or performing remedial measures on any well, or to supervise the investigation, plugging, or performance of remedial measures on any well. A reasonable effort to contact the owner or the person in possession of the property to seek his permission shall be made before members of the council or authorized representatives enter the property for the purposes described in this paragraph. If the owner or person in possession of the property cannot be found or refuses entry or access to any member of the council or to any authorized representative presenting appropriate credentials, the council may request the attorney general to initiate in any court of competent jurisdiction an action for injunctive relief to restrain any interference with the exercise of powers and duties described in this subdivision. Any entry authorized under this subdivision shall be construed as an exercise of the police power for the protection of public health, safety and general welfare and shall not be construed as an act of condemnation of property nor of trespass thereon. Members of the council and authorized representatives shall not be liable for any damages necessarily resulting from the entry upon land for purposes of investigating, plugging, or performing remedial

measures or the supervision of such activity. However, if growing crops are present, arrangements for timing of such remedial work may be agreed upon between the state and landowner in order to minimize damages;

(8) To develop such facts and make such investigations or inspections as are consistent with the purposes of this chapter. Members of the council or authorized representatives may, with the consent of the owner or person in possession, enter upon any property for the purposes of inspecting or investigating any condition which the council shall have probable cause to believe is subject to regulation under this chapter, the rules and regulations promulgated pursuant thereto or any permit issued by the council. If the owner or person in possession of the property refuses entry or access for purposes of the inspections or investigations described, the council or authorized representatives shall make application for a search warrant. Upon a showing of probable cause in writing and under oath, a suitable restricted search warrant shall be issued by any judge having jurisdiction for purposes of enabling inspections authorized under this subdivision. The results of any inspection or investigation pursuant to this subdivision shall be reduced to writing with a copy furnished to the owner, person in possession, or operator;

(9) To cooperate with landowners with respect to the conversion of wells drilled for oil and gas to alternative use as water wells as follows: The state geologist shall determine the feasibility of the conversion of a well drilled under a permit for oil and gas for use as a water well and shall advise the landowner of modifications required for conversion of the well in a manner that is consistent with the requirements of this chapter. If such conversion is carried out, release of the operator from legal liability or other responsibility shall be required and the expense of the conversion shall be borne by the landowner.

[2.] 6. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

260.373. RULEMAKING AUTHORITY, LIMITATIONS ON — IDENTIFICATION OF INCONSISTENT RULES. — 1. After August 28, 2012, the authority of the commission to promulgate rules under sections 260.350 to 260.391 and 260.393 to 260.433 is subject to the following:

(1) **The commission shall not promulgate rules that are stricter than or implement requirements prior to the requirements of Title 40, U.S. Code of Federal Regulations, Parts 260, 261, 262, 264, 265, 268, and 270, as promulgated pursuant to Subtitle C of the Resource Conservation and Recovery Act, as amended;**

(2) **Notwithstanding the limitations of subdivision (1) of this subsection, where state statutes expressly prescribe standards or requirements that are stricter than or implement requirements prior to any federal requirements, or where state statutes allow the establishment or collection of fees, costs, or taxes, the commission may promulgate rules as necessary to implement such statutes;**

(3) **Notwithstanding the limitations of subdivision (1) of this subsection, the commission may retain, modify, or repeal any current rules pertaining to the following:**

(a) **Thresholds for determining whether a hazardous waste generator is a large quantity generator, small quantity generator, or conditionally-exempt small quantity generator;**

(b) **Descriptions of applicable registration requirements;**

(c) **The reporting of hazardous waste activities to the department; provided, however, that the commission shall promulgate rules, effective beginning with the reporting period July 1, 2015 - June 30, 2016, that allow for the submittal of reporting data in an electronic format on an annual basis by large quantity generators and treatment storage and disposal facilities;**

(d) **Rules requiring hazardous waste generators to display hazard labels (e.g., Department of Transportation (DOT) labels) on containers and tanks during the time hazardous waste is stored onsite;**

(e) The exclusion for hazardous secondary materials used to make zinc fertilizers in 40 CFR 261.4; and

(f) The exclusions for hazardous secondary materials that are burned for fuel or that are recycled.

2. Nothing in this section shall be construed to repeal any other provision of law, and the commission and the department shall continue to have the authority to implement and enforce other statutes, and the rules promulgated pursuant to their authority.

3. No later than December 31, 2013, the department shall identify rules in Title 10, Missouri Code of State Regulations, Division 25, Chapters 3, 4, 5, and 7 that are inconsistent with the provisions of subsection 1 of this section. The department shall thereafter file with the Missouri secretary of state any amendments necessary to ensure that such rules are not inconsistent with the provisions of subsection 1 of this section. On December 31, 2015, any rule contained in Title 10, Missouri Code of State Regulations, Division 25, Chapters 3, 4, 5, or 7 that remains inconsistent with the provisions of subsection 1 above shall be null and void to the extent that it is inconsistent.

4. Nothing in this section shall be construed to effectuate a modification of any permit. Upon request, the department shall modify as appropriate any permit containing requirements no longer in effect due to this section.

5. The department is prohibited from selectively excluding any rule or portion of a rule promulgated by the commission from any authorization application package, or program revision, submitted to the U.S. Environmental Protection Agency under Title 40, U.S. Code of Federal Regulations, sections 271.5 or 271.21.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are non-severable 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, 2012, shall be invalid and void.

260.392. DEFINITIONS — FEES FOR TRANSPORT OF RADIOACTIVE WASTE — DEPOSIT OF MONEYS, USE — NOTICE OF SHIPMENTS — SUNSET PROVISION. — 1. As used in sections 260.392 to 260.399, the following terms mean:

(1) "Cask", all the components and systems associated with the container in which spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive waste are stored;

(2) "High-level radioactive waste", the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations, and other highly radioactive material that the United States Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

(3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended, a quantity of radioactive material within a single package. Highway route controlled quantity shipments of thirty miles or less within the state are exempt from the provisions of this section;

(4) "Low-level radioactive waste", any radioactive waste not classified as high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive material given written approval for landfill disposal by the Missouri department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this

section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from the provisions of this section;

(5) "Shipper", the generator, owner, or company contracting for transportation by truck or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments, transuranic radioactive waste, or low-level radioactive waste;

(6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing;

(7) "State-funded institutions of higher education", any campus of any university within the state of Missouri that receives state funding and has a nuclear research reactor;

(8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with half-lives greater than twenty years, per gram of waste. For the purposes of this section, transuranic waste shall not include:

(a) High-level radioactive wastes;

(b) Any waste determined by the Environmental Protection Agency with the concurrence of the Environmental Protection Agency administrator that does not need the degree of isolation required by this section; or

(c) Any waste that the United States Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state shall be subject to the fees established in this subsection, provided that no state-funded institution of higher education that ships nuclear waste shall pay any such fee. These higher education institutions shall reimburse the Missouri state highway patrol directly for all costs related to shipment escorts. The fees for all other shipments shall be:

(1) One thousand eight hundred dollars for each [cask transported] **truck transporting** through or within the state [by truck of] high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route controlled quantity shipments. All [casks] **truck shipments** of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments [transported by truck] are subject to a surcharge of twenty-five dollars per mile for every mile over two hundred miles traveled within the state;

(2) One thousand three hundred dollars for the first cask and one hundred twenty-five dollars for each additional cask for each rail shipment through or within the state of high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

(3) One hundred twenty-five dollars for each truck or train transporting low-level radioactive waste through or within the state. The department of natural resources may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment.

3. All revenue generated from the fees established in subsection 2 of this section shall be deposited into the environmental radiation monitoring fund established in section 260.750 and shall be used by the department of natural resources to achieve the following objectives and for purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not limited to:

(1) Inspections, escorts, and security for waste shipment and planning;

(2) Coordination of emergency response capability;

(3) Education and training of state, county, and local emergency responders;

(4) Purchase and maintenance of necessary equipment and supplies for state, county, and local emergency responders through grants or other funding mechanisms;

(5) Emergency responses to any transportation incident involving the high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;

(6) Oversight of any environmental remediation necessary resulting from an incident involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of any party responsible for the incident; such party may be liable for full reimbursement to the state or payment of any other costs associated with the cleanup of contamination related to a transportation incident;

(7) Administrative costs attributable to the state agencies which are incurred through their involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state.

4. Nothing in this section shall preclude any other state agency from receiving reimbursement from the department of natural resources and the environmental radiation monitoring fund for services rendered that achieve the objectives and comply with the provisions of this section.

5. Any unencumbered balance in the environmental radiation monitoring fund that exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring fund for that fiscal year.

6. The department of natural resources, in coordination with the department of health and senior services and the department of public safety, may promulgate rules necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. All funds deposited in the environmental radiation monitoring fund through fees established in subsection 2 of this section shall be utilized, subject to appropriation by the general assembly, for the administration and enforcement of this section by the department of natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

8. All fees shall be paid to the department of natural resources prior to shipment.

9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the state shall be provided by the shipper to the governor's designee for advanced notification, as described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state. Notice of any shipment of low-level radioactive waste through or within the state shall be provided by the shipper to the Missouri department of natural resources before such shipment enters the state.

10. Any shipper who fails to pay a fee assessed under this section, or fails to provide notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the amount assessed and not paid. The action shall be brought by the attorney general at the request of the department of natural resources. If the action involves a facility domiciled in the state, the action shall be brought in the circuit court of the county in which the facility is located. If the action does not involve a facility domiciled in the state, the action shall be brought in the circuit court of Cole County.

11. Beginning on December 31, 2009, and every two years thereafter, the department of natural resources shall prepare and submit a report on activities of the environmental radiation monitoring fund to the general assembly. This report shall include information on fee income received and expenditures made by the state to enforce and administer the provisions of this section.

12. The provisions of this section shall not apply to high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the federal government for military or national defense purposes.

13. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2009, 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.

292.606. FEES, CERTAIN EMPLOYERS, HOW MUCH, DUE WHEN, LATE PENALTY — DEDUCTIONS — EXCESS CREDITED WHEN — AGENCIES RECEIVING FUNDS, DUTIES — USE OF FUNDS, COMMISSION TO ESTABLISH CRITERIA. — 1. Fees shall be collected for a period of [twenty] **six** years from August 28, [1992] **2012**.

2. (1) Any employer required to report under subsection 1 of section 292.605, except local governments and family-owned farm operations, shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, if such person, firm or corporation is paying fees under the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed under this subsection, such employer shall not be liable for state fees under this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline, are considered to be one product, and all varieties of motor lubricating oil are considered to be one product. For the purposes of this section "facility" shall mean all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person. If more than three hazardous substances or mixtures are reported on the Tier II form, the employer shall submit an additional twenty-dollar fee for each hazardous substance or mixture. Fees collected under this subdivision shall be for each hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances on hand at any one time in excess of five hundred pounds or the threshold planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per year in fees. [Except] Moneys acquired through litigation **and any administrative fees paid pursuant to subsection 3 of this section** shall not [apply to] **be applied toward** this cap;

(2) Employers engaged in transporting hazardous materials by pipeline except local gas distribution companies regulated by the Missouri Public Service Commission shall pay to the commission a fee of two hundred fifty dollars for each county in which they operate;

(3) Payment of fees is due each year by March first. A late fee of ten percent of the total owed, plus one percent per month of the total, may be assessed by the commission;

(4) If, on March first of each year, fees collected under this section and natural resources damages made available pursuant to section 640.235 exceed one million dollars, any excess over one million dollars shall be proportionately credited to fees payable in the succeeding year by each employer who was required to pay a fee and who did pay a fee in the year in which the excess occurred. The limit of one million dollars contained herein shall be reviewed by the commission concurrent with the review of fees as required in subsection 1 of this section.

3. **Beginning January 1, 2013, any employer filing its Tier II form pursuant to subsection 1 of section 292.605 may request that the commission distribute that employer's Tier II report to the local emergency planning committees and fire departments listed in its Tier II report. Any employer opting to have the commission distribute its Tier II report shall pay an additional fee of ten dollars for each facility listed in the report at the time of filing to recoup the commission's distribution costs. Fees shall be deposited in the chemical emergency preparedness fund established under section 292.607. An employer who pays the additional fee and whose Tier II report includes all local emergency planning committees and fire departments required to be notified under subsection 1 of section 292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The commission shall develop a mechanism for an employer to exercise its option to have the commission distribute its Tier II report.**

4. Local emergency planning committees receiving funds under section 292.604 shall coordinate with the commission and the department in chemical emergency planning, training, preparedness, and response activities. Local emergency planning committees receiving funds under this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall provide to the commission an annual report of expenditures and activities.

[4.] 5. Fees collected by the department and all funds provided to local emergency planning committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical releases; exercising, evaluating, and distributing plans, providing training related to chemical emergency preparedness and prevention of chemical accidents; identifying facilities required to report; processing the information submitted by facilities and making it available to the public; receiving and handling emergency notifications of chemical releases; operating a local emergency planning committee; and providing public notice of chemical preparedness activities. Local emergency planning committees receiving funds under this section may combine such funds with other local emergency planning committees to further the purposes of sections 292.600 to 292.625, or the federal act.

[5.] 6. The commission shall establish criteria and guidance on how funds received by local emergency planning committees may be used.

292.655. DEFINITIONS—NEEDLES USED BY EMPLOYERS IN CONDUCT OF BUSINESS, ANY COMMERCIALY AVAILABLE MAY BE USED. — 1. For purposes of this section, the following terms mean:

(1) "Engineered injury protection device", a mechanical device or feature to a device that renders the needle incapable of inflicting a needlestick injury either by:

(a) Destruction of the medical needle sharp metal point at the point of procedure or use; or

(b) Covering the sharp end of the needle at the time the needle is removed from the skin of the subject human or animal. Recapping the medical needle with the original needle packaging cover is not considered an engineered injury protection device.

(2) "Medical needles", hypodermic needles or other similar hollow-bore needles, syringes, or blood extraction apparatus with a primary function to penetrate the skin of a living human or animal.

2. Employers that use medical needles in the routine course of conducting business in the state may use any commercially available engineered injury protection device that

can be reasonably expected to reduce the risk of accidental needlestick injuries to employees, patients, or customers.

3. This section shall not apply to needles for sewing dead animal skins or parts, fish hooks, gaffs, animal tags, or other similar sharp objects related to animals but unrelated to healthcare or testing of live animals. This section shall not apply to any veterinary care provided by a licensed veterinarian or veterinary care provider in or outside of a designated veterinary office, including but not limited to, a ranch, farm, or private residence being provided in the scope of veterinary practices under chapter 340.

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, 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;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor

equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

- (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;
- (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;
- (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;
- (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;
- (20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- (21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;
- (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;
- (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;
- (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:
 - (a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or
 - (b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;
- (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;
- (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other

provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(28) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

(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;

(34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(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;

(36) "Motorcycle", a motor vehicle operated on two wheels;

(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;

(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;

(39) "Municipality", any city, town or village, whether incorporated or not;

(40) "Nonresident", a resident of a state or country other than the state of Missouri;

(41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(42) "Operator", any person who operates or drives a motor vehicle;

(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;

(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;

(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;

(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;

(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;

(48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an unladen dry weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV trails;

(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;

(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";

(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;

(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;

(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;

(54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(55) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(56) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(58) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(60) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

(61) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(63) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(64) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(66) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(69) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

304.033. RECREATIONAL OFF-HIGHWAY VEHICLES, OPERATION ON HIGHWAYS PROHIBITED, EXCEPTIONS — OPERATION WITHIN STREAMS AND RIVERS PROHIBITED, EXCEPTIONS — LICENSE REQUIRED FOR OPERATION, EXCEPTION. — 1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway vehicle in a municipality unless such operation is authorized by such municipality as provided for in subdivision (5) of this subsection;

(4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;

(5) Governing bodies of cities may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(6) Governing bodies of counties may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

320.106. DEFINITIONS. — As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

(1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard which may amend or supersede this standard for manufacturers, importers and distributors of fireworks;

(2) "Chemical composition", all pyrotechnic and explosive composition contained in fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;

(3) "Consumer fireworks", explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UN0336, [1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation] **within 49 CFR Part 172;**

(4) "Discharge site", the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;

(5) "Dispenser", a device designed for the measurement and delivery of liquids as fuel;

(6) "Display fireworks", explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UN0333 or UN0334 or UN0335, [1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation] **within 49 CFR Part 172;**

(7) "Display site", the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;

(8) "Distributor", any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary

permits as specified in sections 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner into the state of Missouri;

(9) "Fireworks", any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations[, and American Pyrotechnics Association 87-1 standards];

(10) "Fireworks season", the period beginning on the twentieth day of June and continuing through the tenth day of July of the same year and the period beginning on the twentieth day of December and continuing through the second day of January of the next year, which shall be the only periods of time that seasonal retailers may be permitted to sell consumer fireworks;

(11) "Jobber", any person engaged in the business of making sales of consumer fireworks at wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution outside the state of Missouri during a calendar year from the first day of January through the thirty-first day of December;

(12) "Licensed operator", any person who supervises, manages, or directs the discharge of outdoor display fireworks, either by manual or electrical means; who has met additional requirements established by promulgated rule and has successfully completed a display fireworks training course recognized and approved by the state fire marshal;

(13) "Manufacturer", any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state of Missouri;

(14) "NFPA", National Fire Protection Association, an international codes and standards organization;

(15) "Permanent structure", buildings and structures with permanent foundations other than tents, mobile homes, and trailers;

(16) "Permit", the written authority of the state fire marshal issued pursuant to sections 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

(17) "Person", any corporation, association, partnership or individual or group thereof;

(18) "Proximate fireworks", a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation, as [defined by the most current edition of the American Pyrotechnics Association (APA), Standard 87-1, section 3.8, specific requirements for theatrical pyrotechnics] **classified within 49 CFR Part 172 as UN0431 or UN0432;**

(19) "Pyrotechnic operator" or "special effects operator", an individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects for proximate fireworks and who has met additional requirements established by promulgated rules and has successfully completed a proximate fireworks training course recognized and approved by the state fire marshal;

(20) "Sale", an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;

(21) "Seasonal retailer", any person within the state of Missouri engaged in the business of making sales of consumer fireworks in Missouri only during a fireworks season as defined by subdivision (10) of this section;

(22) "Wholesaler", any person engaged in the business of making sales of consumer fireworks to any other person engaged in the business of making sales of consumer fireworks at retail within the state of Missouri.

320.131. POSSESSION, SALE AND USE OF CERTAIN FIREWORKS PROHIBITED — RESTRICTIONS — LABEL REQUIRED — ITEMS NOT REGULATED. — 1. It is unlawful for any person to possess, sell or use within the state of Missouri, or ship into the state of Missouri, except as provided in section 320.126, any pyrotechnics commonly known as "fireworks" and

defined as consumer fireworks in subdivision (3) of section 320.106 other than items now or hereafter classified as fireworks UNO336, 1.4G by the United States Department of Transportation that comply with the construction, chemical composition, labeling and other regulations relative to consumer fireworks regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public pursuant to such commission's regulations.

2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for sale, store, display, or have in their possession any consumer fireworks that have not been approved as fireworks UNO336, 1.4G by the United States Department of Transportation.

3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any other person, in this state for the purpose of resale, or use, in this state, any consumer fireworks which do not have the numbers and letter "1.4G" printed within an orange, diamond-shaped label printed on or attached to the fireworks shipping carton.

4. This section does not prohibit a manufacturer, distributor or any other person **possessing the proper permits as specified by state and federal law** from storing, selling, shipping or otherwise transporting display or proximate fireworks], defined as fireworks UNO335, 1.3G/UNO431, 1.4G or UNO432, 1.4S by the United States Department of Transportation, provided they possess the proper permits as specified by state and federal law].

5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound, provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provisions of sections 320.106 to 320.161.

320.136. GROUND SALUTES, SPECIAL TYPE, PROHIBITED. — Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's", and any other tubular salutes or any items described as prohibited chemical components or forbidden devices as listed in the American Pyrotechnics Association Standard 87-1 or which exceed the [federal] limits set for **consumer fireworks** [UNO336, 1.4G formerly known as class C common fireworks, display fireworks UNO335, 1.3F, and proximate fireworks UNO431, 1.4F/UNO432, 1.4S by the United States Department of Transportation] , **display fireworks, or proximate fireworks** for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, or use within the state of Missouri for consumer use. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of section 571.020.

321.228. RESIDENTIAL CONSTRUCTION REGULATORY SYSTEM, PREEMPTION OF LAW BY LOCAL GOVERNMENTAL BODY OVER FIRE PROTECTION DISTRICT, WHEN, EXCEPTIONS.

— 1. As used in this section, the following terms shall mean:

(1) "**Residential construction**", new construction and erection of detached single-family or two-family dwellings or the development of land to be used for detached single-family or two-family dwellings;

(2) "**Residential construction regulatory system**", any bylaw, ordinance, order, rule, or regulation adopted, implemented, or enforced by any city, town, village, or county that pertains to residential construction, to any permitting system, or program relating to residential construction, including but not limited to the use or occupancy by the initial occupant thereof, or to any system or program for the inspection of residential construction. Residential construction regulatory system also includes the whole or any part of a nationally recognized model code, with or without amendments specific to such city, town, village, or county.

2. Notwithstanding the provisions of any other law to the contrary, if a city, town, village, or county adopts or has adopted, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection districts wholly or partly located within such city, town, village, or county shall be without power, authority, or privilege to enforce or implement a residential construction regulatory system purporting to be applicable to any residential construction within such city, town, village, or county. Any such residential construction regulatory system adopted by a fire protection district or its board shall be treated as advisory only and shall not be enforced by such fire protection district or its board.

3. Notwithstanding the provisions of any other law to the contrary, fire protection districts:

(1) Shall have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential construction. Nothing in this subdivision shall be construed to require the political subdivision supplying water to incur any costs to modify its water supply infrastructure; and

(2) May inspect the alteration, enlargement, replacement or repair of a detached single-family or two-family dwelling; and

(3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this subsection.

321.460. CONSOLIDATION OF DISTRICTS, PROCEDURE — MAY ALSO PROVIDE AMBULANCE SERVICE — ELECTION, BALLOT FORM. — 1. Two or more fire protection districts may consolidate with each other in the manner hereinafter provided, and only if the districts have one or more common boundaries, in whole or in part, **or are located within the same county, in whole or in part**, as to any respective two of the districts which are so consolidating.

2. By a majority vote of each board of directors of each fire protection district included within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan shall include the name of the proposed consolidated district, the legal description of the boundaries of each district to be consolidated, and a legal description of the boundaries of the consolidated district, the amount of outstanding bonds, if any, of each district proposed to be consolidated, a listing of the firehouses within each district, and the names of the districts to be consolidated.

3. Each board of the districts approving the plan for proposed consolidation shall duly certify and file in the office of the clerk of the circuit court of the county in which the district is located a copy of the plan of consolidation, bearing the signatures of those directors who vote in favor thereof, together with a petition for consolidation. The petition may be made jointly by all of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall be deposited with the clerk, on the filing of the petition, against the costs of court.

4. The circuit court sitting in and for any county to which the petition is presented is hereby vested with jurisdiction, power and authority to hear the same, and to approve the consolidation and order such districts consolidated, after holding an election, as hereinafter provided.

5. If the circuit court finds the plan for consolidation to have been duly approved by the respective boards of directors of the fire protection districts proposed to be consolidated, then the circuit court shall enter its order of record, directing the submission of the question.

6. The order shall direct publication of notice of election, and shall fix the date thereof. The order shall direct that the elections shall be held to vote on the proposition of consolidating the districts and to elect three persons, having the qualifications declared in section 321.130 and being among the then directors of the districts proposed to be consolidated, to become directors of the consolidated district.

7. The question shall be submitted in substantially the following form:

Shall the Fire Protection Districts and the Fire Protection District be consolidated into one fire protection district to be known as the Fire Protection District, with tax levies not in excess of the following amounts: maintenance fund cents per one hundred dollars assessed valuation; ambulance service cents per one hundred dollars assessed valuation; pension fund cents per one hundred dollars assessed valuation; and dispatching fund cents per one hundred dollars assessed valuation?

8. If, upon the canvass and declaration, it is found and determined that a majority of the voters of the districts voting on the proposition or propositions have voted in favor of the proposition to incorporate the consolidated district, then the court shall then further, in its order, designate the first board of directors of the consolidated district, who have been elected by the voters voting thereon, the one receiving the third highest number of votes to hold office until the first Tuesday in April which is more than one year after the date of election, the one receiving the second highest number of votes to hold office until two years after the first Tuesday aforesaid, and the one receiving the highest number of votes until four years after the first Tuesday in April as aforesaid. If any other propositions are also submitted at the election, the court, in its order, shall also declare the results of the votes thereon. If the court shall find and determine, upon the canvass and declaration, that a majority of the voters of the consolidated district have not voted in favor of the proposition to incorporate the consolidated district, then the court shall enter its order declaring the proceedings void and of no effect, and shall dismiss the same at the cost of petitioners.

414.530. PROPANE EDUCATION AND RESEARCH COUNCIL CREATION, ASSESSMENT UPON ODORIZED PROPANE — PROCEDURE. — 1. The director shall conduct a referendum as soon as possible among producers and Missouri retail marketers of propane to authorize the creation of the "Missouri Propane Education and Research Council" and the levying of an assessment on odorized propane. Upon approval of those persons representing two-thirds of the total gallonage of odorized propane voted in the retail marketer class and two-thirds of all propane voted in the producer class, meaning propane sold or produced in the previous calendar year or other representative period, the director shall issue an order establishing the council and call for nominations to the council from qualified industry organizations. All persons voting in the referendum shall certify to the director the number of gallons represented by their vote.

2. [On the director's own initiative,] Upon petition of the council or of producers and marketers representing thirty-five percent of the gallons in each class, the director shall hold a referendum to determine whether the industry favors termination or suspension of the order. The termination or suspension shall not take effect unless it is approved by those persons representing more than one-half of the total gallonage of odorized propane in the marketer class and one-half of all propane in the producer class.

3. The director may require such reports or documentation as is necessary to document the referendum process [and the nomination process for members of the council] and shall protect the confidentiality of all such documentation provided by industry members. Information regarding propane produced or marketed by persons voting shall be a closed record.

414.560. SELECTION OF MEMBERS — NUMBER OF MEMBERS, COMPENSATION, TERMS — CHAIRMAN, PRESIDENT — BUDGET — PROGRAMS AND PROJECTS — RECORDS — COSTS. — 1. Upon issuance of an order by the director establishing the Missouri propane education and research council, the director shall select all members of the council from a list of nominees submitted by qualified industry organizations. [Vacancies in unfinished terms of council members may be filled by the council, subject to approval of the director] **The council shall make subsequent appointments and fill vacancies in unfinished terms following a public nomination process. The director may reject council appointments.**

2. In making nominations and appointments to the council, the qualified industry organizations [and the director] shall give due regard to selecting a council that is representative of the industry, and the geographic regions of the state.

3. The council shall consist of fifteen members, with nine members representing retail marketers of propane; three members representing wholesalers or resellers of propane; two members representing manufacturers and distributors of gas use equipment, wholesalers or resellers, or transporters; and one public member. Other than the public member, council members shall be full-time employees or owners of businesses in the industry.

4. Council members shall receive no compensation for their services, but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

5. Council members shall serve terms of three years; except that of the initial members appointed, five shall be appointed for terms of one year, five shall be appointed for terms of two years and five shall be appointed for terms of three years. Members may be appointed to a maximum of two consecutive full terms. Members filling unexpired terms will not have any partial term of service count against the two-term limitation. Former members of the council may be reappointed to the council if they have not been members for a period of one year.

6. The council shall select from among its members a chairman and other officers as necessary, establish committees and subcommittees of the council, and adopt rules and bylaws for the conduct of business. The council may establish advisory committees of persons other than council members.

7. The council may employ a president to serve as chief executive officer and such other employees as it deems necessary. The council may enter into contracts with, use facilities and equipment of, or employ personnel of a qualified industry organization in carrying out its responsibilities under sections 414.500 to 414.590. It shall determine the compensation and duties of each, and protect the handling of council funds through fidelity bonds.

8. **At least thirty days prior to the beginning of each fiscal period, the council shall prepare and submit [to the director] for public comment a budget plan including the probable costs of all programs, projects and contracts and a recommended rate of assessment sufficient to cover such costs. [The director shall approve or recommend changes to the budget after an opportunity for public comment.] The council shall approve or modify the budget following the public comment period. The director may reject the budget plan or modifications.**

9. The council shall develop programs and projects and enter into contracts or agreements for implementing the policy of sections 414.500 to 414.590, including programs of research, development, education, and marketing, and for the payment of the costs thereof with funds collected pursuant to sections 414.500 to 414.590. The council shall coordinate its activities with industry trade associations to provide efficient delivery of services and to avoid unnecessary duplication of activities.

10. The council shall keep minutes, books, **and** records that clearly reflect all of the acts and transactions of the council and regularly report such information to the director[, along with such other information as the director may require]. The books of the council shall be audited by a certified public accountant at least once each fiscal year and at such other times as the council may designate. Copies of such audit shall be provided to the director, all members of the council, all qualified industry organizations, and to other members of the industry upon request. [The director shall receive notice of meetings and may require reports on the activities of the council, as well as reports on compliance, violations and complaints regarding the implementation of sections 414.500 to 414.590.]

11. From assessments collected, the council shall annually reimburse the director for costs incurred in holding the referendum establishing the council[, making appointments to the council,] and other expenses directly related to the council.

414.570. ASSESSMENT, AMOUNT — PAYMENT — LATE PAYMENT, CHARGES — INVESTMENT OF FUNDS — RULEMAKING AUTHORITY. — 1. The council shall set the initial

assessment at no greater than one-tenth of one cent per gallon. Thereafter, annual assessments shall be sufficient to cover the costs of the plans and programs developed by the council and approved [by the director] **following public comment**. The assessment shall not be greater than one-half cent per gallon of odorized propane. The assessment may not be raised by more than one-tenth of one cent per gallon annually.

2. The owner of propane immediately prior to odorization in this state or the owner at the time of import into this state of odorized propane shall be responsible for the payment of the assessment on the volume of propane at the time of import or odorization, whichever is later. Assessments shall be remitted to the council on a monthly basis by the twenty-fifth of the month following the month of collection. Nonodorized propane shall not be subject to assessment until odorized.

3. The [director] **council** may by regulation[, with the concurrence of the council,] establish an alternative means [for the council] to collect the assessment if another means is found to be more efficient and effective. The [director] **council** may by regulation establish a late payment charge and rate of interest **not to exceed the legal rate for judgments** to be imposed on any person who fails to remit to the council any amount due under sections 414.500 to 414.590.

4. Pending disbursement pursuant to a program, plan or project, the council may invest funds collected through assessments and any other funds received by the council only in obligations of the United States or any agency thereof, in general obligations of any state or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

5. [The National Propane Education and Research Council, in conjunction with the United States Secretary of Energy may, by regulation, establish a program coordinating the operation of its council with the council established in section 414.530. This may include an assessment rebate, if adopted, of an amount up to twenty-five percent of the National Propane Education and Research Council assessment collected on Missouri distributed odorized propane as presented and described in section nine of the federal Propane Education and Research Act of 1992. Should the National Propane Education and Research Council, as part of the federal Propane Education and Research Act of 1992, establish such an assessment rebate on fees collected by such council, then all funds from such federal assessment rebate shall be the property of the Missouri council as established by section 414.530, and the use of such funds shall be determined by the Missouri council for the purposes as intended and presented in sections 414.500 to 414.590.] **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.**

488.650. EXPUNGEMENT CASES UNDER SECTION 610.140, SURCHARGE, AMOUNT. — There shall be assessed as costs a surcharge in the amount of one hundred dollars on all petitions for expungement filed under the provisions of section 610.140. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. Moneys collected from this surcharge shall be payable to the general revenue fund.

488.5026. TWO DOLLAR SURCHARGE FOR ALL CRIMINAL CASES, FUNDS TO BE DEPOSITED IN INMATE PRISONER DETAINEE SECURITY FUND. — 1. Upon approval of the governing body of a city, county, or a city not within a county, a surcharge of two dollars shall

be assessed as costs in each court proceeding filed in any court in any city, county, or city not within a county adopting such a surcharge, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of two dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the governmental unit authorizing such surcharge.

3. The treasurer shall deposit funds generated by the surcharge into the "Inmate **Prisoner Detainee** Security Fund". Funds deposited shall be utilized to **acquire and** develop biometric verification systems **and information sharing** to ensure that inmates, **prisoners, or detainees in a holding cell facility or other detention facility or area which hold persons detained only for a shorter period of time after arrest or after being formally charged** can be properly identified **upon booking** and tracked within **the local law enforcement administration system, criminal justice administration system, or** the local jail system. Upon the installation of the **information sharing or** biometric verification system, funds in the inmate **prisoner detainee** security fund may **also** be used for the maintenance, **repair, and replacement** of the **information sharing or** biometric verification system, and **also** to pay for any expenses related to **detention**, custody, and housing and other expenses for **inmates, prisoners, and detainees**.

561.026. DISQUALIFICATION FROM VOTING AND JURY SERVICE. — **Notwithstanding any other provision of law except for section 610.140**, a person who is convicted:

(1) Of any crime shall be disqualified from registering and voting in any election under the laws of this state while confined under a sentence of imprisonment;

(2) Of a felony or misdemeanor connected with the exercise of the right of suffrage shall be forever disqualified from registering and voting;

(3) Of any felony shall be forever disqualified from serving as a juror.

565.081. ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER, UTILITY WORKER, CABLE WORKER, OR PROBATION AND PAROLE OFFICER IN THE FIRST DEGREE, DEFINITION, PENALTY. — 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. **As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract, of a utility**

that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee including any person employed under contract, of a cable operator, as such term is defined in section 67.2677.

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the first degree is a class A felony.

565.082. ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER, UTILITY WORKER, CABLE WORKER, OR PROBATION AND PAROLE OFFICER IN THE SECOND DEGREE, DEFINITION, PENALTY. — 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, **highway worker in a construction zone or work zone, utility worker, cable worker**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term "**utility worker**" means any employee while in performance of their job duties, including any person employed under contract, of a utility

that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee, including any person employed under contract, of a cable operator, as such term is defined in section 67.2677.

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony. For any violation of subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must serve mandatory jail time as part of his or her sentence.

565.083. ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER, UTILITY WORKER, CABLE WORKER, OR PROBATION AND PAROLE OFFICER IN THE THIRD DEGREE, DEFINITION, PENALTY. — 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the third degree if:

(1) Such person recklessly causes physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer;

(2) Such person purposely places a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer without the consent of the law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee, including any person employed under contract, of a cable operator, as such term is defined in section 67.2677.

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the third degree is a class A misdemeanor.

571.020. POSSESSION — MANUFACTURE — TRANSPORT — REPAIR — SALE OF CERTAIN WEAPONS A CRIME — EXCEPTIONS — PENALTIES. — 1. A person commits a crime if such person knowingly possesses, manufactures, transports, repairs, or sells:

(1) An explosive weapon;

(2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

(3) A gas gun;

(4) [A switchblade knife;

(5)] A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

[(6)] **(5)** Knuckles; or

[(7)] **(6)** Any of the following in violation of federal law:

(a) A machine gun;

(b) A short-barreled rifle or shotgun; [or]

(c) A firearm silencer; **or**

(d) A switchblade knife.

2. A person does not commit a crime pursuant to this section if his conduct involved any of the items in subdivisions (1) to [(6)] **(5)** of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

(1) Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution; or

(2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or

(3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) Was incident to displaying the weapon in a public museum or exhibition; or

(5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. A crime pursuant to subdivision (1), (2), (3) or [(7)] **(6)** of subsection 1 of this section is a class C felony; a crime pursuant to subdivision(4)[,] **or** (5) [or (6)] of subsection 1 of this section is a class A misdemeanor.

571.030. UNLAWFUL USE OF WEAPONS — EXCEPTIONS — PENALTIES. — 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older **or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces**, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of

an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable

probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.037. OPEN DISPLAY OF FIREARM PERMITTED, WHEN. — Any person who has a valid concealed carry endorsement, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

571.092. RESTRICTION ON TRANSFER AND POSSESSION OF FIREARMS, PETITION FOR REMOVAL OF, WHEN, REQUIREMENTS. — 1. Any individual who has been adjudged incapacitated under chapter 475, who has been involuntarily committed under chapter 632, or who is otherwise subject to the firearms-related disabilities of 18 U.S.C. Section 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in this state may file a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm imposed under 18 U.S.C. Section 922(d)(4) or (g)(4) and the laws of this state.

2. The petition shall be filed in the circuit court with jurisdiction in the petitioner's place of residence or that entered the letters of guardianship or the most recent order for involuntary commitment, or the most recent disqualifying order, whichever is later. The petition shall include:

(1) The circumstances regarding the firearms disabilities;

(2) The applicant's record which at a minimum shall include the applicant's mental health and criminal history records, if any;

(3) The applicant's reputation through character witness statements, testimony, or other character evidence; and

(4) Any other information or evidence relevant to the relief sought, including but not limited to evidence concerning any changes in the petitioner's condition since the disqualifying commitment or adjudication occurred.

Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.

3. The court shall grant the requested relief if it finds by clear and convincing evidence that:

- (1) The petitioner will not be likely to act in a manner dangerous to public safety; and
- (2) Granting the relief is not contrary to the public interest.

4. In order to determine whether to grant relief under this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the petitioner or by the local prosecuting attorney, circuit attorney, or attorney general. A record shall be kept of the proceedings.

5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict it from public disclosure, unless it finds that the public interest would be better served by making the record public.

6. The court shall include in its order the specific findings of fact on which it bases its decision.

7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the National Instant Criminal Background Check System (NICS). The Missouri state highway patrol shall contact the Federal Bureau of Investigation to effect this updating no later than twenty-one days from receipt of the order.

8. Any person who has been denied a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm under this section shall not be eligible to file another petition for removal of such disqualification until the expiration of one year from the date of such denial.

9. In the event a petition is denied under this section, the petitioner may appeal such denial, and review shall be de novo.

571.101. CONCEALED CARRY ENDORSEMENTS, APPLICATION REQUIREMENTS — APPROVAL PROCEDURES — ISSUANCE OF CERTIFICATES, WHEN — RECORD-KEEPING REQUIREMENTS—FEES. — 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

- (1) Is at least twenty-one years of age, is a citizen of the United States and either:
 - (a) Has assumed residency in this state; or

(b) Is a member of the armed forces stationed in Missouri, or the spouse of such member of the military;

(2) **Is at least twenty-one years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:**

(a) **Has assumed residency in this state;**

(b) **Is a member of the armed forces stationed in Missouri; or**

(c) **The spouse of such member of the military stationed in Missouri and twenty-one years of age;**

(3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

[(3)] (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;

[(4)] (5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

[(5)] (6) Has not been discharged under dishonorable conditions from the United States armed forces;

[(6)] (7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

[(7)] (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

[(8)] (9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;

[(9)] (10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

[(10)] (11) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, and date and place of birth;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the armed forces stationed in Missouri or the spouse of such a member of the armed forces and is a citizen of the United States;

(3) An affirmation that the applicant is at least twenty-one years of age **or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;**

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the

United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States armed forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check.

Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a

nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.111. FIREARMS TRAINING REQUIREMENTS — SAFETY INSTRUCTOR REQUIREMENTS — PENALTY FOR VIOLATIONS. — 1. An applicant for a concealed carry endorsement shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry endorsement:

(1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or

(2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

(4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or

(5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her by section 217.105, that includes instruction on the justifiable use of force as prescribed in chapter 563; or

(7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued.

2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

(1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;

(2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or her marksmanship with both;

(3) The basic principles of marksmanship;

(4) Care and cleaning of concealable firearms;

(5) Safe storage of firearms at home;

(6) The requirements of this state for obtaining a certificate of qualification for a concealed carry endorsement from the sheriff of the individual's county of residence and a concealed carry endorsement issued by the department of revenue;

(7) The laws relating to firearms as prescribed in this chapter;

(8) The laws relating to the justifiable use of force as prescribed in chapter 563;

(9) A live firing exercise of sufficient duration for each applicant to fire both a revolver and a semiautomatic pistol, from a standing position or its equivalent, a minimum of fifty rounds from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;

(10) A live fire test administered to the applicant while the instructor was present of twenty rounds from each handgun from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

3. A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry endorsement who:

(1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or

(2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or

(3) During the live fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds, with both handguns.

4. Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry endorsement shall:

(1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;

(2) Maintain all course records on students for a period of no less than four years from course completion date; and

(3) Not have more than forty students in the classroom portion of the course or more than five students per range officer engaged in range firing.

5. A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any sheriff issuing a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121 if the instructor:

(1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or

(2) Submits a photocopy of a certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or

(3) Submits a photocopy of a certificate from a firearms safety instructor course approved by the department of public safety; or

(4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(5) Is a certified police officer firearms safety instructor.

6. Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor.

571.117. REVOCATION PROCEDURE FOR INELIGIBLE CERTIFICATE HOLDERS — SHERIFF'S IMMUNITY FROM LIABILITY, WHEN. — 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)
)
vs.) Case Number
)

....., DEFENDANT,
Carry Endorsement Holder

....., DEFENDANT,
Sheriff of Issuance

PETITION FOR REVOCATION
OF CERTIFICATE OF QUALIFICATION
OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON
THAT APPLIES TO THIS DEFENDANT)

Defendant is not at least twenty-one years of age **or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.**

Defendant is not a citizen of the United States.

Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.

Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

Defendant has been discharged under dishonorable conditions from the United States armed forces.

Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.

Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar

discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.

Defendant failed to submit a completed application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

Defendant failed to submit to or failed to clear the required background check.

Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121, at the time of issuance or renewal or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the certificate of qualification or concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against an endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a certificate of qualification or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith.

610.140. EXPUNGEMENT OF CERTAIN CRIMINAL RECORDS, PETITION, CONTENTS, PROCEDURE. — 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was found guilty of any of the offenses specified in subsection 2 of this section for an order to expunge recordations of such arrest, plea, trial, or conviction. A person may apply to have one or more offenses expunged so long as such person lists all the offenses he or she is seeking to have expunged in the same petition and so long as all such offenses are eligible under subsection 2 of this section.

2. The following offenses are eligible to be expunged when such offenses occurred within the state of Missouri and were prosecuted under the jurisdiction of a Missouri municipal associate or circuit court:

(1) Any felony or misdemeanor offense of passing a bad check under 570.120, fraudulently stopping payment of an instrument under 570.125, or fraudulent use of a credit device or debit device under section 570.130 ;

(2) Any misdemeanor offense of sections 569.065, 569.067, 569.090, subdivision (1) of subsection 1 of section 569.120, sections 569.140, 569.145, 572.020, 574.020, or 574.075; or

(3) Any class B or C misdemeanor offense of section 574.010.

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall be dismissed if it does not include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense charged against the petitioner for which the petitioner is requesting expungement;

(3) The date the petitioner was arrested for each offense;

(4) The name of the county where the petitioner was arrested for each offense and if any of the offenses occurred in a municipality, the name of the municipality for each offense;

(5) The name of the agency that arrested the petitioner for each offense;

(6) The case number and name of the court for each offense; and

(7) Petitioner's fingerprints on a standard fingerprint card at the time of filing a petition for expungement which will be forwarded to the central repository for the sole purpose of positively identifying the petitioner.

5. The court may set a hearing on the matter no sooner than thirty days from the filing of the petition and shall give reasonable notice of the hearing to each entity named in the petition. At the hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses listed in the petition for expungement:

(1) It has been at least twenty years if the offense is a felony, or at least ten years if the offense is a misdemeanor, municipal offense, or infraction, since the person making the application completed:

(a) Any sentence of imprisonment; or

(b) Any period of probation or parole;

(2) The person has not been found guilty of a misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense in subdivision (1) of this subsection;

(3) The person has paid any amount of restitution ordered by the court;

(4) The circumstances and behavior of the petitioner warrant the expungement; and

(5) The expungement is consistent with the public welfare.

6. If the court determines at the conclusion of the hearing that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses listed in the petition for expungement, the court may enter an order of expungement. A copy of the order shall be provided to each entity named in the petition, and, upon receipt of the order, each entity shall destroy any record in its possession relating to any offense listed in the petition. If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered

expunged shall be removed from all electronic files maintained with the state of Missouri, except for the files of the court. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

7. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense to any court when asked or upon being charged with any subsequent offense. The expunged offense may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

8. Notwithstanding the provisions of subsection 7 of this section to the contrary, a person granted an expungement shall disclose any expunged offense when the disclosure of such information is necessary to complete any application for:

- (1) A license, certificate, or permit issued by this state to practice such individual's profession;
- (2) Any license issued under chapter 313; or
- (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency.

Notwithstanding any provision of law to the contrary, an expunged offense shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit.

9. If the court determines that such person has not met the criteria for any of the offenses listed in the petition for expungement, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

10. A person may be granted more than one expungement under this section provided that no person shall be granted more than one order of expungement from the same court. Nothing contained in this section shall prevent the court from maintaining records to ensure that an individual has only one petition for expungement granted by such court under this section.

650.230. EXEMPTIONS. — 1. Sections 650.200 to 650.290 shall not apply to the following boilers and pressure vessels:

- (1) Boilers and pressure vessels under federal control or subject to inspection or regulation by a federal or state agency;
- (2) Pressure vessels used for the transportation and storage of compressed gases or liquefied petroleum gases which comply with the standards promulgated by the National Fire Protection Association as adopted pursuant to chapter 323 or the United States Department of Transportation regulations, as appropriate to the use of the vessel;

- (3) Pressure vessels located on vehicles operating under the rule of other state authorities and used for carrying passengers or freight;
- (4) Pressure vessels installed on the right-of-way of railroads and used directly in the operation of trains;
- (5) Pressure vessels that do not exceed:
 - (a) [Fifteen cubic feet in volume and two hundred fifty psig when not located in a place of public assembly] **An operating pressure of fifteen psig;**
 - (b) [Five] **One and one-half** cubic feet in volume [and two hundred fifty psig when located in a place of public assembly; or] **with no limitation on pressure;**
 - (c) [One and one-half cubic feet in volume or] An inside diameter of six inches with no limitation on pressure; **or**
 - (d) **An operating pressure of two hundred psig or ten cubic feet in volume;**
- (6) [Pressure vessels designed for and operating at a working pressure not exceeding fifteen psig;
- (7)] Vessels with a nominal water containing capacity of one hundred twenty gallons or less for containing water under pressure, including those containing air, the compression of which serves only as a cushion;
- [(8)] (7) Boilers and pressure vessels located on farms and used solely for agricultural purposes;
- [(9)] (8) Any boiler constructed, reconstructed or maintained as a personal hobby or for other recreation purposes; and
- [(10)] (9) Vessels containing water and operating as water softeners, water filters, dealkalizers, demineralizers and cold water storage tanks when:
 - (a) The temperature of the water in the vessel does not exceed one hundred twenty degrees Fahrenheit; and
 - (b) Heat is not applied to the water prior to entering the vessel or to the vessel itself; and
 - (c) The pressure of the water in the vessel does not exceed one hundred fifty psig; and
 - (d) The vessel does not contain any hazardous, toxic or explosive material.
2. The following boilers and pressure vessels shall be exempt from the requirements of sections 650.260 to 650.275:
 - (1) Boilers or pressure vessels located in canneries and used solely for canning purposes;
 - (2) Steam boilers used for heating purposes carrying a pressure of not more than fifteen psig, and which are located in private residences or in apartment houses of less than six families and steam boilers used for heating purposes carrying a pressure of not more than ten psig and having a rating of not to exceed one thousand two hundred square feet of radiation;
 - (3) Hot water heating boilers carrying pressure of not more than thirty psig, and which are located in private residences or in apartment houses of less than six families, and hot water heating boilers carrying pressure of not more than twenty psig, and having a rating of not to exceed two thousand square feet of radiation;
 - (4) Steam boilers of a miniature model locomotive or boat or tractor or stationary engine constructed and maintained as a hobby and not for commercial use, having an inside diameter not to exceed twelve inches and a grate area not to exceed one and one-half feet and that is equipped with a safety valve of adequate capacity, a water level indicator and a pressure gauge;
 - (5) Hot water supply boilers operated at pressures not exceeding one hundred sixty psig, or temperatures not exceeding two hundred fifty degrees Fahrenheit which are located in private residences or in apartment houses of less than six family units;
 - (6) Service water heaters or domestic type water heaters having a nominal water containing capacity not in excess of one hundred twenty gallons, a heat input not in excess of two hundred thousand British thermal units per hour and used exclusively for heating service water to a temperature not in excess of two hundred ten degrees Fahrenheit;
 - (7) Pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift

pumping system, when located in private residences or in apartment houses of less than six family units.

701.550. DEFINITIONS — REQUIREMENTS FOR TOWERS 50 FEET OR HIGHER — VIOLATION, PENALTY. — 1. As used in this section the following terms mean:

(1) "Anemometer", an instrument for measuring and recording the speed of the wind;

(2) "Anemometer tower", a structure, including all guy wires and accessory facilities, that has been constructed solely for the purpose of mounting an anemometer to document whether a site has wind resources sufficient for the operation of a wind turbine generator;

(3) "Area surrounding the anchor point", an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point.

2. Any anemometer tower that is fifty feet in height above the ground or higher that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law, shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before August 28, 2012, shall be marked as required in this section by January 1, 2014. Any anemometer tower that is erected on or after August 28, 2012, shall be marked as required in this section at the time it is erected. Marking required under this section includes marking the anemometer tower, guy wires, and accessory facilities as follows:

(1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;

(2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;

(3) The area surrounding each point where a guy wire is anchored to the ground shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area surrounding the anchor point shall be fenced; and

(4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.

3. A violation of this section is a class B misdemeanor.

SECTION 1. MEDICAL NEEDLES, EMPLOYER USE OF OSHA- OR FDA-APPROVED DEVICES PERMITTED. — Notwithstanding any provision of section 292.655 to the contrary, employers that use medical needles in the routine course of conducting business in this state may use any Occupational Safety and Health Administration- or Food and Drug Administration-approved device.

[475.375. FIREARMS, PETITION TO REMOVE DISQUALIFICATION, WHEN, PROCEDURE. — 1. Any individual over the age of eighteen years who has been adjudged incapacitated under this chapter or who has been involuntarily committed under chapter 632 may file a petition for the removal of the disqualification to purchase, possess, or transfer a firearm when:

(1) The individual no longer suffers from the condition that resulted in the individual's incapacity or involuntary commitment;

(2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest.

No individual who has been found guilty by reason of mental disease or defect may petition a court for restoration under this section.

2. The petition shall be filed in the circuit court that entered the letters of guardianship or the most recent order for involuntary commitment, whichever is later. Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.

3. The burden is on the petitioner to establish by clear and convincing evidence that:
 - (1) The petitioner no longer suffers from the condition that resulted in the incapacity or the involuntary commitment;
 - (2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and
 - (3) Granting relief under this section is not contrary to the public interest.
4. Upon the filing of the petition the court shall review the petition and determine if the petition is based upon frivolous grounds and if so may deny the petition without a hearing. In order to determine whether petitioner has met the burden pursuant to this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the local prosecuting attorney, circuit attorney, or attorney general.
5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict from public disclosure, unless it finds that the public interest would be better served by making the record public.
6. The court shall enter an order that:
 - (1) The petitioner does or does not continue to suffer from the condition that resulted in commitment;
 - (2) The individual does or does not continue to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and
 - (3) Granting relief under this section is not contrary to the public interest.The court shall include in its order the specific findings of fact on which it bases its decision.
7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the National Instant Criminal Background Check System (NICS).
8. (1) Any person who has been denied a petition for the removal of the disqualification to purchase, possess, or transfer a firearm pursuant to this section shall not be eligible to file another petition for removal of the disqualification to purchase, possess, or transfer a firearm until the expiration of one year from the date of such denial.
 - (2) If a person has previously filed a petition for the removal of the disqualification to purchase, possess, or transfer a firearm and the court determined that:
 - (a) The petitioner's petition was frivolous; or
 - (b) The petitioner's condition had not so changed such that the person continued to suffer from the condition that resulted in the individual's incapacity or involuntary commitment and continued to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; or
 - (3) Granting relief under this section would be contrary to the public interest, then the court shall deny the subsequent petition unless the petition contains the additional facts upon which the court could find the condition of the petitioner had so changed that a hearing was warranted.]

SECTION B. EMERGENCY CLAUSE. — Because of the need to update state law and to clarify the requirements for concealed carry endorsements to match federal law, the repeal and reenactment of sections 320.106, 320.131, 320.136, and 571.111 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 320.106, 320.131, 320.136, and 571.111 of this act shall be in full force and effect upon its passage and approval.

Approved July 10, 2012

HB 1659 [SCS HCS HB 1659 & 1116]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows the City of Kansas City to establish a land bank agency for the management, sale, transfer, and other disposition of tax delinquent land to return it to specified effective use

AN ACT to repeal sections 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410, 141.480, 141.540, 141.550, 141.560, 141.570, 141.580, 141.720, 141.770, 141.790, RSMo, and section 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, and to enact in lieu thereof thirty-four new sections relating to land tax collection, with a penalty provision for a certain section.

SECTION

- A. Enacting clause.
- 141.210. Title of law (first class charter counties).
- 141.220. Definitions (charter counties, and Clay and Buchanan counties).
- 141.250. Equality of tax liens — priorities — distribution of proceeds.
- 141.290. Tax bill lists — suits pending — time of delivery — filing of petition.
- 141.300. Tax bill lists — receipt for aggregate amount by collector — monthly statement.
- 141.320. Delinquent land tax attorney — appointment, compensation, assistants, duties — county counselor designated as, when.
- 141.410. Suit for foreclosure — petition — caption — contents — notice, filing.
- 141.480. Tax bill, prima facie proof — court may conduct informal hearings — further duties of court.
- 141.530. Redemption by owner — installment payments — tolling of waiting period — exception.
- 141.530. Redemption by owner — installment payments — tolling of waiting period — exception.
- 141.540. Place of sale — form of advertisement — notice to be posted on land and sent to certain persons, procedure.
- 141.550. Conduct of sale — interests conveyed — special sale procedures for certain counties, certain owners prohibited from bidding — cost of publication.
- 141.560. Daily adjournment of sale by sheriff — sale to trustees.
- 141.570. What title vests on sale.
- 141.580. Confirmation or disapproval of sale by court — proceeds applied, how.
- 141.720. Composition of land trust — terms — qualifications — vacancies — compensation — removal.
- 141.770. Annual budget — public hearing — administrative costs, how paid — fiscal year — payment of claim by land trust — performance audits permitted, when.
- 141.785. Quiet title action, when, procedure.
- 141.790. Proceeds of sale of real estate disposed of by a land trust — distribution.
- 141.980. Land bank agency may be established, when — taxing authorities to be beneficiaries — agency is a public body corporate and politic.
- 141.981. Board of commissioners, terms, vacancies, powers, meetings — surety bond required, when — oath — immunity from liability — vote by proxy prohibited.
- 141.982. Employees authorized — contracts and agreements authorized.
- 141.983. Powers.
- 141.984. Transfer of title of certain property, when — income to be tax-exempt — acquisition of property.
- 141.985. Name on property held — inventory to be available to public — policies and procedures — proceeds of sale, how distributed.
- 141.988. Funding sources — four percent fee to be transferred to county.
- 141.991. Annual audit — performance audits, when.

- 141.994. Issuance of bonds, requirements.
- 141.997. Open meetings required.
- 141.1000. Board members and employees, no direct compensation from lands held — violation, penalty.
- 141.1003. Same rights as private property owners.
- 141.1006. Encumbered ancillary property, taxes may be contributed to land bank agency by taxing authority.
- 141.1009. Quiet title action, when, procedure.
- 141.1012. Dissolution, procedure.
- 141.1015. Power of eminent domain or to tax not authorized.

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

SECTION A. ENACTING CLAUSE. — Sections 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410, 141.480, 141.540, 141.550, 141.560, 141.570, 141.580, 141.720, 141.770, 141.790, RSMo, and section 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, RSMo, are repealed and thirty-four new sections enacted in lieu thereof, to be known as sections 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410, 141.480, 141.530, 141.540, 141.550, 141.560, 141.570, 141.580, 141.720, 141.770, 141.785, 141.790, 141.980, 141.981, 141.982, 141.983, 141.984, 141.985, 141.988, 141.991, 141.994, 141.997, 141.1000, 141.1003, 141.1006, 141.1009, 141.1012, and 141.1015, to read as follows:

141.210. TITLE OF LAW (FIRST CLASS CHARTER COUNTIES). — Sections 141.210 to 141.810 and sections 141.980 to 141.1015 shall be known by the short title of "Land Tax Collection Law".

141.220. DEFINITIONS (CHARTER COUNTIES, AND CLAY AND BUCHANAN COUNTIES). — The following words, terms and definitions, when used in sections 141.210 to 141.810 and sections 141.980 to 141.1015, shall have the meanings ascribed to them in this section, except where the text clearly indicates a different meaning:

(1) "Ancillary parcel" shall mean a parcel of real estate acquired by a land bank agency other than:

- (a) Pursuant to a deemed sale under subsection 3 of section 141.560;
- (b) By deed from a land trust under subsection 1 of section 141.984; or
- (c) Pursuant to a sale under subdivision (2) of subsection 2 of section 141.550;

(2) "Appraiser" shall mean a state licensed or certified appraiser licensed or certified pursuant to chapter 339 who is not an employee of the collector or collection authority;

[(2)] (3) "Board" or "board of commissioners" shall mean the board of commissioners of a land bank agency;

(4) "Collector" shall mean the collector of the revenue in any county affected by sections 141.210 to 141.810 and sections 141.980 to 141.1015;

[(3)] (5) "County" shall mean any county [of the first class] in this state having a charter form of government, any county of the first class [not having a charter form of government] with a population of at least one hundred fifty thousand but less than one hundred sixty thousand and any county of the first class [not having a charter form of government] with a population of at least eighty-two thousand but less than eighty-five thousand;

[(4)] (6) "Court" shall mean the circuit court of any county affected by sections 141.210 to 141.810 and sections 141.980 to 141.1015;

[(5)] (7) "Delinquent land tax attorney" shall mean a licensed attorney-at-law, employed or designated by the collector as hereinafter provided;

[(6)] (8) "Land bank agency", shall mean an agency created under section 141.980;

(9) "Land taxes" shall mean taxes on real property or real estate and shall include the taxes both on land and the improvements thereon;

[(7)] (10) "Land trustees" and "land trust" shall mean the land trustees and land trust as the same are created by and described in section 141.700;

[(8)] (11) "Municipality" shall include any incorporated city or town, or a part thereof, located in whole or in part within a county of class one **or located in whole or in part within a county with a charter form of government**, which municipality now has or which may hereafter contain a population of two thousand five hundred inhabitants or more, according to the last preceding federal decennial census;

[(9)] (12) "Person" shall mean any individual, male or female, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver or trustee appointed by any state or federal court, trustee otherwise created, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

[(10)] (13) **"Political subdivision" shall mean any county, city, town, village, school district, library district, or any other public subdivision or public corporation having the power to tax;**

(14) **"Reserve period taxes" shall mean land taxes assessed against any parcel of real estate sold or otherwise disposed of by a land bank agency for the first three tax years following such sale or disposition;**

(15) "School district", "road district", "water district", "sewer district", "levee district", "drainage district", "special benefit district", "special assessment district", or "park district" shall include those located within a county as such county is described in [subdivision (3) of] this section;

[(11)] (16) "Sheriff" and "circuit clerk" shall mean the sheriff and circuit clerk, respectively, of any county affected by sections 141.210 to 141.810 **and sections 141.980 to 141.1015**;

[(12)] (17) "Tax bill" as used in sections 141.210 to 141.810 **and sections 141.980 to 141.1015** shall represent real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;

[(13)] (18) "Tax district" shall mean the state of Missouri and any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, located in any municipality or county as herein described;

[(14)] (19) "Tax lien" shall mean the lien of any tax bill as defined in [subdivision (12) of] this section;

[(15)] (20) "Taxing authority" shall include any governmental, managing, administering or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of Missouri or any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, affected by sections 141.210 to 141.810 **and sections 141.980 to 141.1015**.

141.250. EQUALITY OF TAX LIENS — PRIORITIES — DISTRIBUTION OF PROCEEDS. —

1. The respective liens of the tax bills for general taxes of the state of Missouri, the county, any municipality and any school district, for the same tax year, shall be equal and first liens upon the real estate described in the respective tax bills thereof; provided, however, that the liens of such tax bills for the latest year for which tax bills are unpaid shall take priority over the liens of tax bills levied and assessed for less recent years, and the lien of such tax bills shall rate in priority in the order of the years for which they are delinquent, the lien of the tax bill longest delinquent being junior in priority to the lien of the tax bill for the next most recent tax year.

2. All tax bills for other than general taxes shall constitute liens junior to the liens for general taxes upon the real estate described therein; provided, however, that a tax bill for other than general taxes, of the more recent issue shall likewise be senior to any such tax bill of less recent date.

3. The proceeds derived from the sale of any lands encumbered with a tax lien or liens, or held by the land trustees, **or acquired by a land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550** shall be distributed to the owners of such liens in the order of the seniority of the liens, or their respective interests as shown by the records of the land trust **or the land bank agency**. Those holding liens of equal rank shall share in direct proportion to the amounts of their respective liens.

141.290. TAX BILL LISTS — SUITS PENDING — TIME OF DELIVERY — FILING OF PETITION. — 1. The collector shall compile lists of all state, county, school, and other tax bills collectible by him which are delinquent according to his records and he shall combine such lists with the list filed by any taxing authority or tax bill owner.

2. The collector shall assign a serial number to each parcel of real estate in each list and if suit has been filed in the circuit court of the county on any delinquent tax bill included in any list, the collector shall give the court docket number of such suit and some appropriate designation of the place where such suit is pending, and such pending suit so listed in any petition filed pursuant to the provisions of sections 141.210 to 141.810 **and sections 141.980 to 141.1015** shall, without further procedure or court order, be deemed to be consolidated with the suit brought under sections 141.210 to 141.810 **and sections 141.980 to 141.1015**, and such pending suit shall thereupon be abated.

3. The collector shall deliver such combined lists to the delinquent land tax attorney from time to time but not later than April the first of each year.

4. The delinquent land tax attorney shall incorporate such lists in petitions in the form prescribed in section 141.410, and shall file such petitions with the circuit clerk not later than June first of each year.

141.300. TAX BILL LISTS — RECEIPT FOR AGGREGATE AMOUNT BY COLLECTOR — MONTHLY STATEMENT. — 1. The collector shall receipt for the aggregate amount of such delinquent tax bills appearing on the list or lists filed with him under the provisions of section 141.290, which receipt shall be held by the owner or holder of the tax bills or by the treasurer or other corresponding financial officer of the taxing authority so filing such list with the collector.

2. The collector shall, on or before the fifth day of each month, file with the owner or holder of any tax bill or with the treasurer or other corresponding financial officer of any taxing authority, a detailed statement, verified by affidavit, of all taxes collected by him during the preceding month which appear on the list or lists received by him, and shall, on or before the fifteenth day of the month, pay the same, less his commissions and costs payable to the county, to the tax bill owner or holder or to the treasurer or other corresponding financial officer of any taxing authority; provided, however, that the collector shall be given credit for the full amount of any tax bill which is bid in by the land trustees and where title to the real estate described in such tax bill is taken by the land trust, **or which is bid in by a land bank agency and where title to the real estate described in such tax bill is taken by such land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, or which is included in the bid of a land bank agency and where title to the real estate described in such tax bill is taken by such land bank agency pursuant to a sale under subdivision (2) of subsection 2 of section 141.550.**

141.320. DELINQUENT LAND TAX ATTORNEY — APPOINTMENT, COMPENSATION, ASSISTANTS, DUTIES — COUNTY COUNSELOR DESIGNATED AS, WHEN. — 1. The collector shall at his option appoint a delinquent land tax attorney at a compensation of ten thousand dollars per year, or in counties having a county counselor, the collector shall at his option

designate the county counselor and such of his assistants as shall appear necessary to act as the delinquent land tax attorney.

2. A delinquent land tax attorney who is not the county counselor, with the approval of the collector, may appoint one or more assistant delinquent land tax attorneys at salaries of not less than two hundred dollars and not more than four hundred dollars per month, and such clerical employees as may be necessary, at salaries to be fixed by the collector at not less than three hundred dollars and not more than four hundred dollars per month; and the appointed delinquent tax attorney may incur such reasonable expenses as are necessary for the performance of his duties.

3. The delinquent land tax attorney and his assistants shall perform legal services for the collector and shall act as attorney for him in the prosecution of all suits brought for the collection of land taxes; but they shall not perform legal services for the land trust **or any land bank agency**.

4. Salaries and expenses of a delinquent land tax attorney who is not also the county counselor, his assistants and his employees shall be paid monthly out of the treasury of the county from the same funds as employees of the collector whenever the funds provided for by sections 141.150, 141.270, and 141.620 are not sufficient for such purpose.

5. The compensation herein provided shall be the total compensation for a delinquent land tax attorney who is not also a county counselor, his assistants and employees, and when the compensation received by him or owing to him by the collector exceeds ten thousand dollars in any one calendar year by virtue of the sums charged and collected pursuant to the provisions of section 141.150, the surplus shall be credited and applied by the collector to the expense of the delinquent land tax attorney and to the compensation of his assistants and employees, and any sum then remaining shall be paid into the county treasury on or before the first day of March of each year and credited to the general revenue fund of the county.

6. A delinquent land tax attorney who is not also the county counselor shall make a return quarterly to the county commission of such county of all compensation received by him, and of all amounts owing to him by the collector, and of all salaries and expenses of any assistants and employees, stating the same in detail, and verifying such amounts by his affidavit.

141.410. SUIT FOR FORECLOSURE — PETITION — CAPTION — CONTENTS — NOTICE, FILING. — 1. A suit for the foreclosure of the tax liens herein provided for shall be instituted by filing in the appropriate office of the circuit clerk a petition, which petition shall contain a caption, a copy of the list so furnished to the delinquent land tax attorney by the collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

2. The caption shall be in the following form:

In the Circuit Court of County, Missouri,

In the Matter of

Foreclosure of Liens for Delinquent Land Taxes

By Action in Rem.

Collector of Revenue of . . . County, Missouri,

Plaintiff

-vs.-

Parcels of Land Encumbered with Delinquent Tax Liens

Defendants.

3. The petition shall conclude with a prayer that all tax liens upon such real estate be foreclosed; that the court determine the amounts and priorities of all tax bills, together with interest, penalties, costs, and attorney's fees; that the court order such real estate to be sold by the sheriff at public sale as provided by sections 141.210 to 141.810 **and sections 141.980 to 141.1015** and that thereafter a report of such sale be made by the sheriff to the court for further proceedings under sections 141.210 to 141.810 **and sections 141.980 to 141.1015**.

4. The delinquent land tax attorney within ten days after the filing of any such petition, shall forward by United States registered mail to each person or taxing authority having filed a list of delinquent tax bills with the collector as provided by sections 141.210 to 141.810 **and sections 141.980 to 141.1015** a notice of the time and place of the filing of such petition and of the newspaper in which the notice of publication has been or will be published.

5. The petition when so filed shall have the same force and effect with respect to each parcel of real estate therein described, as a separate suit instituted to foreclose the tax lien or liens against any one of said parcels of real estate.

141.480. TAX BILL, PRIMA FACIE PROOF — COURT MAY CONDUCT INFORMAL HEARINGS— FURTHER DUTIES OF COURT. — 1. Upon the trial of the cause upon the question of foreclosure, the tax bill, whether general or special, issued by any taxing authority shall be prima facie proof that the tax described in the tax bill has been validly assessed at the time indicated by the tax bill and that the tax is unpaid. Absent any answer the court shall take the allegations of the petition as confessed. Any person alleging any jurisdictional defect or invalidity in the tax bill or in the sale thereof must particularly specify in his answer the defect or basis of invalidity, and must, upon trial, affirmatively establish such defense.

2. Prior to formal hearing, the court may conduct an informal hearing for the purpose of clarifying issues, and shall attempt to reach an agreement with the parties upon a stipulated statement of facts. The court shall hear the evidence offered by the collector or relator as the case may be, and by all answering parties, and shall determine the amount of each and every tax bill proved by the collector or any answering party, together with the amount of interest, penalties, attorney's fees and costs accruing upon each tax bill and the date from which interest began to accrue upon each tax bill and the rate thereof. The court shall hear evidence and determine every issue of law and of fact necessary to a complete adjudication of all tax liens asserted by any and every pleading, and may also hear evidence and determine any other issue of law or fact affecting any other right, title, or interest in or to, or lien upon, such real estate, sought to be enforced by any party to the proceeding against any other party to the proceeding who has been served by process or publication as authorized by law, or who has voluntarily appeared, and shall determine the order and priority of the liens and of any other rights or interest put in issue by the pleadings.

3. After the court has first determined the validity of the tax liens of all tax bills affecting parcels of real estate described in the petition, the priorities of the respective tax bills and the amounts due thereon, including principal, interest, penalties, attorney's fees, and costs, the court shall thereupon enter judgment of foreclosure of such liens and fix the time and place of the foreclosure sale. The petition shall be dismissed as to any parcel of real estate redeemed prior to the time fixed for the sheriff's foreclosure sale as provided in sections 141.210 to 141.810 **and sections 141.980 to 141.1015**. If the parcel of real estate auctioned off at sheriff's foreclosure sale is sold for a sum sufficient to fully pay the principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees and costs, and for no more, and such sale is confirmed by the court, then all other proceedings as to such parcels of real estate shall be finally dismissed as to all parties and interests other than tax bill owners or holders; provided, however, that any parties seeking relief other than an interest in or lien upon the real estate may continue with said suit to a final adjudication of such other issues; provided, further, an appeal may be had as to any claim attacking the validity of the tax bill or bills or the priorities as to payment of proceeds of foreclosure sale. If the parcel of real estate auctioned off at sheriff's foreclosure sale is sold for a sum greater than the total amount necessary to pay the principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees and costs, and such sale is confirmed by the court, and no appeal is taken by any person claiming any right, title or interest in or to or lien upon said parcel of real estate or by any person or taxing authority owning or holding or claiming any right, title or interest in or to any tax bills within the time fixed by law for the filing of notice of appeal, the court shall thereupon order the sheriff to

make distribution to the owners or holders of the respective tax bills included in the judgment of the amounts found to be due and in the order of priorities. Thereafter all proceedings in the suit shall be ordered by the court to be dismissed as to such persons or taxing authorities owning, holding or claiming any right, title, or interest in any such tax bill or bills so paid, and the case shall proceed as to any parties claiming any right, title, or interest in or lien upon the parcel of real estate affected by such tax bill or bills as to their respective claims to such surplus funds then remaining in the hands of the sheriff.

4. Whenever an answer is filed to the petition, as herein provided, a severance of the action as to all parcels of real estate affected by such answer shall be granted, and the issues raised by the petition and such answer shall be tried separate and apart from the other issues in the suit, but the granting of such severance shall not delay the trial or other disposition of any other issue in the case. A separate appeal may be taken from any action of the court affecting any right, title, or interest in or to, or lien upon, such real estate, other than issues of law and fact affecting the amount or validity of the lien of tax bills, but the proceeding to foreclose the lien of any tax bills shall not be stayed by such appeal. The trial shall be conducted by the court without the aid of a jury and the suit shall be in equity. This action shall take precedence over and shall be triable before any other action in equity affecting the title to such real estate, upon motion of any interested party.

141.530. REDEMPTION BY OWNER — INSTALLMENT PAYMENTS — TOLLING OF WAITING PERIOD — EXCEPTION. — 1. Except as otherwise provided in section 141.520, during such waiting period and at any time prior to the time of foreclosure sale by the sheriff, any interested party may redeem any parcel of real estate as provided by this chapter. During such waiting period and at any time prior to the time of foreclosure sale by the sheriff, the collector may, at the option of the party entitled to redeem, enter into a written redemption contract with any such party interested in any parcel of real estate, providing for payment in installments, monthly or bimonthly, of the delinquent tax bills, including interest, penalties, attorney's fees and costs charged against such parcel of real estate, provided, however, that in no instance shall such installments exceed twelve in number or extend more than twenty-four months next after any agreement for such installment payments shall have been entered into; provided further, that upon good cause being shown by the owner of any parcel of real estate occupied as a homestead, or in the case of improved real estate with an assessed valuation of not more than three thousand five hundred dollars, owned by an individual, the income from such property being a major factor in the total income of such individual, or by anyone on his behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit all of such installments to be paid within not longer than forty-eight months after any order or agreement as to installment payments shall have been made.

2. So long as such installments be paid according to the terms of the contract, the said six months waiting period shall be extended, but if any installment be not paid when due, the extension of said waiting period shall be ended without notice, and the real estate shall forthwith be advertised for sale or included in the next notice of sheriff's foreclosure sale.

[3. No redemption contracts may be used under this section for residential property which has been vacant for at least six months in any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand.]

[141.530. REDEMPTION BY OWNER — INSTALLMENT PAYMENTS — TOLLING OF WAITING PERIOD — EXCEPTION. — 1. Except as otherwise provided in section 141.520, during such waiting period and at any time prior to the time of foreclosure sale by the sheriff, any interested party may redeem any parcel of real estate as provided by this chapter. During such waiting period and at any time prior to the time of foreclosure sale by the sheriff, the collector may, at the option of the party entitled to redeem, enter into a written redemption contract with any such party interested in any parcel of real estate, other than a residential property which has

been vacant for at least six months, providing for payment in installments, monthly or bimonthly, of the delinquent tax bills, including interest, penalties, attorney's fees and costs charged against such parcel of real estate, provided, however, that in no instance shall such installments exceed twelve in number or extend more than twenty-four months next after any agreement for such installment payments have been entered into; provided further, that upon good cause being shown by the owner of any parcel of real estate occupied as a homestead, or in the case of improved real estate with an assessed valuation of not more than three thousand five hundred dollars, owned by an individual, the income from such property being a major factor in the total income of such individual, or by anyone on the individual's behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit all of such installments to be paid within not longer than forty-eight months after any order or agreement as to installment payments being made.

2. So long as such installments are paid according to the terms of the contract, the six-month waiting period shall be extended, but if any installment is not paid when due, the extension of such waiting period shall be ended without notice, and the real estate shall forthwith be advertised for sale or included in the next notice of sheriff's foreclosure sale.]

141.540. PLACE OF SALE — FORM OF ADVERTISEMENT — NOTICE TO BE POSTED ON LAND AND SENT TO CERTAIN PERSONS, PROCEDURE.

1. In any county at a certain front door of whose courthouse sales of real estate are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell the respective parcels of real estate ordered sold by him or her pursuant to any judgment of foreclosure by any court pursuant to sections 141.210 to 141.810 at any of such courthouses, but the sale of such parcels of real estate shall be held at the same front door as sales of real estate are customarily made by the sheriff under execution.

2. Such advertisements may include more than one parcel of real estate, and shall be in substantially the following form:

NOTICE OF SHERIFF'S SALE UNDER JUDGMENT OF FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES

No. In the Circuit Court of County, Missouri. In the Matter of Foreclosure of Liens for Delinquent Land Taxes Collector of Revenue of County, Missouri, Plaintiff, vs. Parcels of Land encumbered with Delinquent Tax Liens, Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs, NOW, THEREFORE,

Public Notice is hereby given that I, Sheriff of County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the front door of the County Courthouse in, Missouri, on, the day of, 20.., and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of (insert name of County), Missouri **or Land Bank of the City of (insert name of municipality), Missouri.**

Any bid received shall be subject to confirmation by the court.

.....
Sheriff of County, Missouri

..... Delinquent Land Tax Attorney

Address:

First Publication, 20...

3. Such advertisement shall be published four times, once a week, upon the same day of each week during successive weeks prior to the date of such sale, in a daily newspaper of general circulation regularly published in the county, qualified according to law for the publication of public notices and advertisements.

4. In addition to the provisions herein for notice and advertisement of sale, the county collector shall enter upon the property subject to foreclosure of these tax liens and post a written informational notice in any conspicuous location thereon. This notice shall describe the property and advise that it is the subject of delinquent land tax collection proceedings before the circuit court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the payment of delinquent taxes at a sale to be held at ten o'clock a.m., date and place, and shall also contain a file number and the address and phone number of the collector. If the collector chooses to post such notices as authorized by this subsection, such posting must be made not later than the fourteenth day prior to the date of the sale.

5. The collector shall, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the persons named in the petition as being the last known persons in whose names tax bills affecting the respective parcels of real estate described in said petition were last billed or charged on the books of the collector, or the last known owner of record, if different, and to the addresses of said persons upon said records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any person who, from such records, appears as a successor to the person to whom the original notice was addressed, and to cause another notice to be mailed to such person. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected of any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address does not appear on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

6. The collector may, at his or her option, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of real estate described in said petition, and to the addressee of such mortgagee or security holder according to the records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder

of deeds, to discern the name and address of any security holder who, from such records, appears as a successor to the security holder to whom the original notice was addressed, and to cause another notice to be mailed to such security holder. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, and stating the reason for the nondelivery of such notice.

141.550. CONDUCT OF SALE — INTERESTS CONVEYED — SPECIAL SALE PROCEDURES FOR CERTAIN COUNTIES, CERTAIN OWNERS PROHIBITED FROM BIDDING — COST OF PUBLICATION. — 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any sale pursuant to this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months and is not the owner of any parcel of real property with two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality.

Notwithstanding this provision, any taxing authority or land bank agency shall be eligible to bid at any sale conducted under this section without making such a demonstration.

3. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

4. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his or her accounts with the county. The collector shall give credit in such accounts for all such advances recovered by him or her. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

141.560. DAILY ADJOURNMENT OF SALE BY SHERIFF — SALE TO TRUSTEES. — 1. If, when the sheriff offers the respective parcels of real estate for sale, there be no bidders for any parcel, or there be insufficient time or opportunity to sell all of the parcels of real estate so advertised, the sheriff shall adjourn such sale from day to day at the same place and commencing at the same hour as when first offered and shall announce that such real estate will be offered or reoffered for sale at such time and place.

2. **With respect to any parcel of real estate not located wholly within a municipality that is an appointing authority under section 141.981**, in the event no bid equal to the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon shall be received at such sale after any parcel of real estate has been offered for sale on three different days, which need not be successive, the land trustees shall be deemed to have bid the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due, and if no other bid be then received by the sheriff in excess of the bid of the trustees, and the sheriff shall so announce at the sale, then the bid of the trustees shall be announced as accepted. The sheriff shall report any such bid or bids so made by the land trustees in the same way as his report of other bids is made. **The land trust shall pay any penalties, attorney's fees or costs included in the judgment of foreclosure of such parcel of real estate, when such parcel is sold or otherwise disposed of by the land trust. Upon confirmation by the court of such bid at such sale by such land trustees, the collector shall mark the tax bills so bid by the land trustees as "canceled by sale to the land trust" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his books and in his statements with any other taxing authorities.**

3. [The land trustees shall pay any penalties, attorney's fees or costs included in the judgment of foreclosure of such parcel of real estate, when such parcel is sold or otherwise disposed of by the land trustees, as herein provided. Upon confirmation by the court of such bid at such sale by such land trustees, the collector shall mark the tax bills so bid by the land trustees as "canceled by sale to the land trust" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his books and in his statements with any other taxing authorities.] **With respect to any parcel of real estate located wholly within a municipality that is an appointing authority under section 141.981**, in the event no bid equal to the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon shall be received at such sale after such parcel of real estate has been offered for sale on three different days, which need not be successive, the land bank agency for which said municipality is an appointing authority shall be deemed to have bid the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due, and the sheriff shall so announce at the sale, then the bid of the land bank agency shall be announced as accepted. The sheriff shall report any such bid or bids so made by such land bank agency in the same way as his report of other bids is made. Upon confirmation by the court of such bid at such sale by such land bank agency, the collector shall mark the tax bills so bid by such land bank agency as "canceled by sale to the land bank" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his books and in his statements with any other taxing authorities.

141.570. WHAT TITLE VESTS ON SALE. — 1. The title to any real estate which shall vest in the land trust under the provisions of sections 141.210 to 141.810 **and sections 141.980 to 141.1015** shall be held by the land trust of such county in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure. **The title to any real estate acquired by a land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 shall be held in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure.**

2. The title to any real estate which shall vest in any purchaser, upon confirmation of such sale by the court, shall be an absolute estate in fee simple, subject to rights-of-way thereon of public utilities on which tax has been otherwise paid, and subject to any lien thereon of the

United States of America, if any, and all persons, including the state of Missouri, infants, incapacitated and disabled persons as defined in chapter 475, and nonresidents who may have had any right, title, interest, claim, or equity of redemption in or to, or lien upon, such lands, shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption, and the court shall order immediate possession of such real estate be given to such purchaser; provided, however, that such title shall also be subject to the liens of any tax bills which may have attached to such parcel of real estate prior to the time of the filing of the petition affecting such parcel of real estate not then delinquent, or which may have attached after the filing of the petition and prior to sheriff's sale and not included in any answer to such petition, but if such parcel of real estate is **deemed sold to the land trust pursuant to subsection 2 of section 141.560, or deemed sold to a land bank agency pursuant to subsection 3 of section 141.560, or sold to a land bank agency pursuant to subdivision (2) of subsection 2 of section 141.550**, the title thereto shall be free of any such liens to the extent of the interest of any taxing authority in such real estate; provided further, that such title shall not be subject to the lien of special tax bills which have attached to the parcel of real estate prior to November 22, 1943, but the lien of such special tax bills shall attach to the proceeds of the sheriff's sale or to the proceeds of the ultimate sale of such parcel by the land trust **or land bank agency**.

141.580. CONFIRMATION OR DISAPPROVAL OF SALE BY COURT — PROCEEDS APPLIED, HOW. — 1. After the sheriff sells any parcel of real estate, the court shall, upon its own motion or upon motion of any interested party, set the cause down for hearing to confirm the foreclosure sale thereof, even though such parcels are not all of the parcels of real estate described in the notice of sheriff's foreclosure sale. At the time of such hearing, the sheriff shall make report of the sale, and the court shall hear evidence of the value of the property offered on behalf of any interested party to the suit, and shall forthwith determine whether an adequate consideration has been paid for each such parcel.

2. For this purpose the court shall have power to summon any city or county official or any private person to testify as to the reasonable value of the property, and if the court finds that adequate consideration has been paid, [he] **the court** shall confirm the sale and order the sheriff to issue a deed to the purchaser. If the court finds that the consideration paid is inadequate, **the court shall confirm the sale if the purchaser [may increase] increases his bid to such amount as the court [may deem] deems to be adequate**, whereupon the court may confirm the sale. If, however, **and makes such additional payment, or if all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon are not paid in full by one or more interested parties to the suit. If the court finds that the consideration is inadequate, but the purchaser declines to increase his bid to such amount as the court deems adequate and make such additional payment, then the sale shall be disapproved if all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon are paid in full by one or more interested parties to the suit**, the lien of the judgment continued, and such parcel of real estate shall be again advertised and offered for sale by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff's foreclosure sale. Unless the court requires evidence of the value of the property conveyed to land trust **or a land bank agency**, none shall be required, and the amount bid by the land trustees **or such land bank agency** shall be deemed adequate consideration.

3. **Except as otherwise provided in subsection 6 of section 141.984**, if the sale is confirmed, the court shall order the proceeds of the sale applied in the following order:

- (1) To the payment of the costs of the publication of the notice of foreclosure and of the sheriff's foreclosure sale;
- (2) To the payment of all costs including appraiser's fee [not to exceed fifteen dollars] and attorney's fees;
- (3) To the payment of all tax bills adjudged to be due in the order of their priority, including principal, interest and penalties thereon.

If, after such payment, there is any sum remaining of the proceeds of the sheriff's foreclosure sale, the court shall thereupon try and determine the other issues in the suit in accordance with section 141.480. If any answering parties have specially appealed as provided in section 141.570, the court shall retain the custody of such funds pending disposition of such appeal, and upon disposition of such appeal shall make such distribution. If there are not sufficient proceeds of the sale to pay all claims in any class described, the court shall order the same to be paid pro rata in accordance with the priorities.

4. If there are any funds remaining of the proceeds after the sheriff's sale and after the distribution of such funds as herein set out and no person entitled to any such funds, whether or not a party to the suit, shall, within two years after such sale, appear and claim the funds, they shall [escheat to the state as provided by law] **be distributed to the appropriate taxing authorities.**

141.720. COMPOSITION OF LAND TRUST — TERMS — QUALIFICATIONS — VACANCIES — COMPENSATION — REMOVAL. — 1. The land trust shall be composed of three members, one of whom shall be appointed by the county, **as directed by the county** executive, or if the county does not have a county executive, **as directed by** the county commission of the county, one of whom shall be appointed by [the city council of that city] **the municipality** in the county which **is not an appointing authority under section 141.981** and then has the largest population according to the last preceding federal decennial census, and one of whom shall be appointed by [the board of directors of] the school district **in the county** which **is not an appointing authority under section 141.981** and then has the largest population according to such census in the county. **If any appointing authority under this section fails to make any appointment of a land trustee after any term expires, then the appointment shall be made by the county.**

2. The terms of office of the land trustees shall be for four years each, except the terms of the first land trustees who shall be appointed by the foregoing appointing authorities, respectively, not sooner than twelve months and not later than eighteen months after sections 141.210 to 141.810 take effect; **provided, however, that the term of any land trustee appointed by a municipality or school district that becomes an appointing authority of a land bank agency under section 141.981 shall terminate and such municipality and such school district shall cease to be appointing authorities for such land trust under this section upon the completion of all transfers to the land bank agency from the land trust required under subsection 1 of section 141.984 or one year after the effective date of the ordinance or resolution establishing the land bank agency, whichever is the first to occur.**

3. Each land trustee shall have been a resident of the county for at least five years next prior to appointment, shall not hold other salaried or compensated public office by election or appointment during service as land trustee, the duties of which would in any way conflict with his duties as land trustee, and shall have had at least ten years experience in the management or sale of real estate.

4. Of the first land trustees appointed under sections 141.210 to 141.810, the land trustee appointed by the county commission shall serve for a term ending February 1, 1946, the land trustee appointed by the board of directors of the school district then having the largest population in the county shall serve for a term expiring February 1, 1947, and the land trustee appointed by the city council of the city then having the largest population in the county shall serve for a term expiring February 1, 1948. Each land trustee shall serve until his successor has been appointed and qualified.

5. Any vacancy in the office of land trustee shall be filled for the unexpired term by the same appointing authority which made the original appointment. If any appointing authority fails to make any appointment of a land trustee within the time the first appointments are required by sections 141.210 to 141.810 to be made, or within thirty days after any term expires or vacancy

occurs, then the appointment shall be made by the [mayor of that city in the] county [then having the largest population, according to the last preceding federal decennial census].

6. The members shall receive for their services as land trustees a salary of two thousand four hundred dollars per year.

7. Each land trustee may be removed for cause by the respective appointing authority, after public hearing, if requested by the land trustee, and an opportunity to be represented by counsel and to present evidence is afforded the trustee.

141.770. ANNUAL BUDGET — PUBLIC HEARING — ADMINISTRATIVE COSTS, HOW PAID — FISCAL YEAR — PAYMENT OF CLAIM BY LAND TRUST — PERFORMANCE AUDITS PERMITTED, WHEN. — 1. Each annual budget of the land trust shall be itemized as to objects and purposes of expenditure, prepared not later than [December tenth] **October first** of each year with copies delivered to the [county and city that appointed trustee members] **appointing authorities of such land trust under section 141.720**, and shall include therein only such appropriations as shall be deemed necessary to meet the reasonable expenses of the land trust during the forthcoming fiscal year. That budget shall not become the required annual budget of the land trust unless and until it has been approved by the governing bodies of the [county or city that appointed trustee members] **appointing authorities of such land trust under section 141.720**. If [either] **any** of the governing bodies of the [county and city that appointed trustee members] **appointing authorities of such land trust under section 141.720** fail to notify the land trust in writing of any objections to the proposed annual budget on or before [December] **November** twentieth, then such failure or failures to object shall be deemed approval. In the event objections have been made and a budget for the fiscal year beginning January first has not been approved by the governing bodies of the [county and city] **appointing authorities of such land trust under section 141.720** on or before January first, then the budget for the previous fiscal year shall become the approved budget for that fiscal year. Any unexpended funds from the preceding fiscal year shall be deducted from the amounts needed to meet the budget requirements of the forthcoming year.

2. Copies of the budget shall be made available to the public on or before [December] **October** tenth, and a public hearing shall be had thereon prior to [December] **October** twentieth, in each year. The approved and adopted budget may be amended by the trustee members only with the approval of the governing bodies of the [county and city that appointed trustee members] **appointing authorities of such land trust under section 141.720**.

3. If at any time there are not sufficient funds available to pay the salaries and other expenses of such land trust and of its employees, incident to the administration of sections 141.210 to 141.810, including any expenditures authorized by section 141.760, funds sufficient to pay such expenses shall be advanced and paid to the land trust upon its requisition therefor, [fifty] **seven** percent thereof by the county commission of [such] **the county in which such land trust operates**, and the other [fifty] **ninety-three** percent by all of the [municipalities in such county as defined in section 141.220] **taxing authorities in such county that are not appointing authorities for a land bank agency under section 141.981 and all municipalities and school districts in such county that are appointing authorities for a land bank agency under section 141.981 and are appointing authorities for such land trust under section 141.720**, in proportion to [their] **the product of their respective tax levy rates and the assessed valuations [at the time of their last completed assessment for state and county purposes] of the properties then in the land trust inventory located within their respective taxing jurisdictions**. The land trust shall have power to requisition such funds in an amount not to exceed twenty-five percent of the total annual budget of the land trust from such sources for that fiscal year of the land trust for which there are not sufficient funds otherwise available to pay the salaries and other expenses of the land trust, but any amount in excess of twenty-five percent of the total annual budget in any fiscal year may be requisitioned by and paid to the land trust only if such additional sums are agreed to and approved by the county [commission and the respective

municipalities in such county so desiring to make such payment] **and such other taxing authorities.** All moneys so requisitioned shall be paid in a lump sum within thirty days after such requisition or the commencement of the fiscal year of the land trust for which such requisition is made, whichever is later, **by the county paying seven percent thereof due from the county under this section and advancing the remaining ninety-three percent due from other taxing authorities under this section on behalf of such other taxing authorities, and such amounts so paid** shall be deposited to the credit of the land trust in some bank or trust company, subject to withdrawal by warrant as herein provided. **Amounts advanced by the county on behalf of any taxing authority under this section shall be reimbursed to the county upon demand by the county or by the county withholding such amounts from distributions of tax moneys to such taxing authority.**

4. The fiscal year of the land trust shall commence on January first of each year. Such land trust shall audit all claims for the expenditure of money, and shall, acting by the chairman or vice chairman thereof, draw warrants therefor from time to time.

5. No warrant for the payment of any claim shall be drawn by such land trust until such claim shall have been approved by the land commissioner and shall bear the commissioner's certificate that there is a sufficient unencumbered balance in the proper appropriation and sufficient unexpended cash available for the payment thereof. For any certification contrary thereto, such land commissioner shall be liable personally and on the commissioner's official bond for the amounts so certified, and shall thereupon be promptly removed from office by the land trustees.

6. In addition to the annual audit provided for in section 141.760, the land trust may be performance audited at any time by the state auditor or by the auditor of any home rule city with more than four hundred thousand inhabitants and located in more than one county that is a member of the land trust. The cost of such audit shall be paid by the land trust, and copies shall be made available to the public within thirty days of the completion of the audit.

141.785. QUIET TITLE ACTION, WHEN, PROCEDURE. — 1. The land trust shall be authorized to file an action to quiet title pursuant to section 527.150 as to any real property in which the land trust has an interest. For purposes of any and all such actions the land trust shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land trust as adequate petitioner in such action.

2. Prior to the filing of an action to quiet title the land trust shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the petition to quiet title shall be provided to all such interested parties by the following methods:

- (1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;**
- (2) In the case of occupied real property by first class mail, addressed to "Occupant";**
- (3) By posting a copy of the notice on the real property;**
- (4) By publication in a newspaper of general circulation in the municipality in which the property is located; and**
- (5) Such other methods as the court may order.**

3. As part of the petition to quiet title the land trust shall file an affidavit identifying all parties potentially having an interest in the real property, and the form of notice provided.

4. The court shall schedule a hearing on the petition within ninety days following filing of the petition, and as to all matters upon which an answer was not filed by an interested party, the court shall issue its final judgment within one hundred twenty days of the filing of the petition.

5. The land trust shall be authorized to join in a single petition to quiet title one or more parcels of real property.

141.790. PROCEEDS OF SALE OF REAL ESTATE DISPOSED OF BY A LAND TRUST — DISTRIBUTION. — When any parcel of real estate is sold or otherwise disposed of by the land trust, the proceeds therefrom shall be applied and distributed in the following order:

(1) **To the payment of amounts due from the land trust under subsection 2 of section 141.560 on the sale or other disposition of such parcel;**

(2) To the payment of the expenses of sale;

[2)] (3) The balance to be retained by the land trust to pay the salaries and other expenses of such land trust and of its employees, incident to the administration of sections 141.210 to 141.810, including any expenditures authorized by section 141.760, as provided for in its annual budget;

[3)] (4) Any funds in excess of those necessary to meet the expenses of the annual budget of the land trust in any fiscal year, and including a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, [may] **shall** be paid to the respective taxing authorities which, at the time of the distribution, are taxing the real property from which the proceeds are being distributed. The distributions shall be in proportion to the amounts of the taxes levied on the properties by the taxing authorities; distribution shall be made on January first and July first of each year, and at such other times as the land trustees in their discretion may determine.

141.980. LAND BANK AGENCY MAY BE ESTABLISHED, WHEN — TAXING AUTHORITIES TO BE BENEFICIARIES — AGENCY IS A PUBLIC BODY CORPORATE AND POLITIC. — 1. Any municipality located wholly or partially within a county in which a land trust created under section 141.700 was operating on January 1, 2012, may establish a land bank agency for the management, sale, transfer, and other disposition of interests in real estate owned by such land bank agency. Any such land bank agency created shall be created to foster the public purpose of returning land, including land that is in a nonrevenue-generating, nontax-producing status to use in private ownership. Such land bank agency shall be established by ordinance or resolution as applicable. Such land bank agency shall not own any interest in real estate that is located wholly or partially outside such establishing municipality. Such land bank agency shall not be authorized to sell more than five contiguous parcels to the same entity in the course of a year.

2. The beneficiaries of the land bank agency shall be the taxing authorities that held or owned tax bills against the respective parcels of real estate acquired by such land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 included in the judgment of the court, and their respective interests in each parcel of real estate shall be to the extent and in the proportion and according to the priorities determined by the court on the basis that the principal amount of their respective tax bills bore to the total principal amount of all of the tax bills described in the judgment.

3. Each land bank agency created pursuant to this chapter shall be a public body corporate and politic, and shall have permanent and perpetual duration until terminated and dissolved in accordance with the provisions of section 141.1012.

141.981. BOARD OF COMMISSIONERS, TERMS, VACANCIES, POWERS, MEETINGS — SURETY BOND REQUIRED, WHEN — OATH — IMMUNITY FROM LIABILITY — VOTE BY PROXY PROHIBITED. — 1. A land bank agency shall be composed of a board of commissioners which shall consist of five members, one of whom shall be appointed by the county, as directed by the county executive, or if the county does not have a county executive, as directed by the county commission of the county, one of whom shall be appointed by the school district that is wholly or partially located within such municipality and county and then has the largest population according to the last preceding federal decennial census,

and the remainder shall be appointed by the municipality that established the land bank agency. The term of office of the members shall be for four years each. Members shall serve at the pleasure of the member's appointing authority, may be employees of the appointing authority, and shall serve without compensation. Any vacancy in the office of land bank commissioner shall be filled by the same appointing authority that made the original appointment. Members of the first board of a land bank agency shall be appointed within sixty days after the effective date of the ordinance or resolution passed establishing such land bank agency. If any appointing authority fails to make any appointment of a land bank commissioner within the time the first appointments are required, or within sixty days after any term expires, then the appointment shall be made by the municipality that established the land bank agency. Except as otherwise provided in subsection 2 of section 141.720, any municipality or school district that is an appointing authority under this section shall not be an appointing authority under section 141.720.

2. Notwithstanding any law to the contrary, any public officer shall be eligible to serve as a board member and the acceptance of the appointment shall neither terminate nor impair such public office. For purposes of this section, "public officer" shall mean a person who is elected to a political subdivision office. Any political subdivision employee shall be eligible to serve as a board member.

3. The members of the board shall select annually from among themselves a chair, a vice-chair, a treasurer, and such other officers as the board may determine, and shall establish their duties as may be regulated by rules adopted by the board.

4. The board shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the land bank agency and to fix the duties, powers, and compensation of all employees, agents, and consultants of the land bank agency. The board may cause the land bank agency to reimburse any member for expenses actually incurred in the performance of duties on behalf of the land bank agency.

5. The board shall meet in regular session according to a schedule adopted by the board, and shall meet in special session as convened by the chairman or upon written notice signed by a majority of the members. The presence of a majority of the board's total membership shall constitute a quorum to conduct business.

6. All actions of the board shall be approved by the affirmative vote of a majority of the members of the board present and voting; provided, however, that no action of the board shall be authorized on the following matters unless approved by a roll call vote of a majority of the entire board membership:

(1) Adoption of bylaws and other rules and regulations for conduct of the land bank agency's business;

(2) Hiring or firing of any employee or contractor of the land bank agency. This function may, by majority vote, be delegated by the board to a specified officer or committee of the land bank agency, under such terms and conditions, and to the extent, that the board may specify;

(3) The incurring of debt, including, without limitation, borrowing of money and the issuance of bonds, notes, or other obligations;

(4) Adoption or amendment of the annual budget;

(5) Sale of real property for a selling price that represents a consideration less than two-thirds of the appraised value of such property; and

(6) Lease, encumbrance, or alienation of real property, improvements, or personal property with a value of more than fifty thousand dollars.

7. The board members shall each furnish a surety bond, if such bond is not already covered by governmental surety bond, in a penal sum not to exceed twenty-five thousand dollars to be approved by the comptroller or director of finance of the municipality that established the land bank agency, issued by a surety company licensed to do business in this state, which bond shall be deposited with the county clerk of such county, and shall

guarantee the faithful performance of such member's duties under sections 141.980 to 141.1015, and shall be written to cover all the commissioners.

8. Before entering upon the duties of office, each board member shall take and subscribe to the following oath:

State of Missouri,)
) ss
City of)

I,....., do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Missouri; that I will faithfully and impartially discharge my duties as a member of the Land Bank of . . . , Missouri; that I will according to my best knowledge and judgment, administer such tax delinquent and other lands held by the land bank according to the laws of the State of Missouri and for the benefit of the public bodies and the tax bill owners which I represent, so help me God.

.....
Subscribed and sworn to this . . . day of . . . , 20 ..

My appointment expires:

.....

Notary Public

9. Members of the board shall not be liable personally on the bonds or other obligations of the land bank agency, and the rights of creditors of the land bank agency shall be solely against the assets of such land bank agency.

10. Vote by proxy shall not be permitted. Any member may request a recorded vote on any resolution or action of the land bank agency.

141.982. EMPLOYEES AUTHORIZED — CONTRACTS AND AGREEMENTS AUTHORIZED.
— A land bank agency may employ a secretary, an executive director, its own counsel and legal staff, and such technical experts, and such other agents and employees, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation and benefits of such persons. A land bank agency may also enter into contracts and agreements with political subdivisions for staffing services to be provided to the land bank agency by political subdivisions or agencies or departments thereof, or for a land bank agency to provide such staffing services to political subdivisions or agencies or departments thereof.

141.983. POWERS. — Subject to the other provisions of this chapter and all other applicable laws, a land bank agency established under this chapter shall have all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this chapter as they relate to a land bank agency, including the following powers in addition to those herein otherwise granted:

- (1) To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
- (2) To sue and be sued, in its own name, and plead and be impleaded in all civil actions, including, but not limited to, actions to clear title to property of the land bank agency;
- (3) To adopt a seal and to alter the same at pleasure;
- (4) To receive funds as grants from or to borrow from political subdivisions, the state, the federal government, or any other public or private sources;
- (5) To issue notes and other obligations according to the provisions of this chapter;
- (6) To procure insurance or guarantees from political subdivisions, the state, the federal government, or any other public or private sources, of the payment of any bond, note, loan, or other obligation, or portion thereof, incurred by the land bank agency, and to pay any fees or premiums in connection therewith;

(7) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, agreements with other land bank agencies and with political subdivisions for the joint exercise of powers under this chapter;

(8) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of functions by the land bank agency on behalf of political subdivisions, or agencies or departments of political subdivisions, or the performance by political subdivisions, or agencies or departments of political subdivisions, of functions on behalf of the land bank agency;

(9) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land bank agency; and any contract or instrument when signed by the chair or vice-chair of the land bank agency, or by an authorized use of their facsimile signatures, and by the secretary or assistant secretary, or, treasurer or assistant treasurer of the land bank agency, or by an authorized use of their facsimile signatures, shall be held to have been properly executed for and on its behalf;

(10) To procure insurance against losses in connection with the property, assets, or activities of the land bank agency;

(11) To invest the money of the land bank agency, including amounts deposited in reserve or sinking funds, at the discretion of the board, in instruments, obligations, securities, or property determined proper by the board, and name and use depositories for its money;

(12) To enter into contracts for the management of, the collection of rent from, or the sale of the property of the land bank agency;

(13) To design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, equip, furnish, and otherwise improve real property or rights or interests in real property held by the land bank agency;

(14) To fix, charge, and collect rents, fees, and charges for the use of the property of the land bank agency and for services provided by the land bank agency;

(15) Subject to the limitation set forth in subsection 1 of section 141.980, to acquire property, whether by purchase, exchange, gift, lease, or otherwise, to grant or acquire licenses and easements, and to sell, lease, grant an option with respect to, or otherwise dispose of, any property of the land bank agency;

(16) Subject to the limitation set forth in subsection 1 of section 141.980, to enter into partnership, joint ventures, and other collaborative relationships with political subdivisions and other public and private entities for the ownership, management, development, and disposition of real property; and

(17) Subject to the other provisions of this chapter and all other applicable laws, to do all other things necessary or convenient to achieve the objectives and purposes of the land bank agency or other laws that relate to the purposes and responsibility of the land bank agency.

141.984. TRANSFER OF TITLE OF CERTAIN PROPERTY, WHEN — INCOME TO BE TAX-EXEMPT — ACQUISITION OF PROPERTY. — 1. Within one year of the effective date of the ordinance or resolution passed establishing a land bank agency under this chapter, title to any real property held by a land trust created pursuant to section 141.700 that is located wholly within the municipality that created the land bank agency shall be transferred by deed to such land bank agency.

2. The income of a land bank agency shall be exempt from all taxation by the state and by any of its political subdivisions. Upon acquiring title to any real estate, a land bank agency shall immediately notify the county assessor and the collector of such ownership, and such real estate shall be exempt from all taxation during the land bank agency's ownership thereof, in the same manner and to the same extent as any other publicly

owned real estate, and upon the sale or other disposition of any real estate held by it, such land bank agency shall immediately notify the county assessor and the collector of such change of ownership; provided however, that such tax exemption for improved and occupied real property held by such land bank agency as lessor pursuant to a ground lease shall terminate upon the first such occupancy, and such land bank agency shall immediately notify the county assessor and the collector of such occupancy.

3. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may acquire real property or interests in property by gift, devise, transfer, exchange, foreclosure, lease, purchase, or otherwise on terms and conditions and in a manner the land bank agency considers proper.

4. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may acquire property by purchase contracts, lease purchase agreements, installment sales contracts, and land contracts, and may accept transfers from political subdivisions upon such terms and conditions as agreed to by the land bank agency and the political subdivision. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may bid on any parcel of real estate offered for sale at a sheriff's foreclosure sale held in accordance with section 141.550 provided that if the bid is not a deemed bid under subsection 3 of section 141.560, such parcel must be located within a low to moderate income area designated as a target area for revitalization by the municipality that created the land bank agency. Notwithstanding any other law to the contrary, but subject to the limitation set forth in subsection 1 of section 141.980, any political subdivision may transfer to the land bank agency real property and interests in real property of the political subdivision on such terms and conditions and according to such procedures as determined by the political subdivision.

5. A land bank agency shall maintain all of its real property in accordance with the laws and ordinances of the jurisdictions in which the real property is located.

6. Upon confirmation under section 141.580 of a sheriff's foreclosure sale of a parcel of real estate to a land bank agency under subdivision (2) of subsection 2 of section 141.550, said land bank agency shall pay the amount of the land bank agency's bid that exceeds the amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. Such excess shall be applied and distributed in accordance with subsections 3 and 4 of section 141.580, exclusive of subdivision (3) of subsection 3 thereof. Upon such confirmation by the court, the collector shall mark the tax bills included in the judgment as "canceled by sale to the land bank" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his books and in his statements with any other taxing authorities.

141.985. NAME ON PROPERTY HELD — INVENTORY TO BE AVAILABLE TO PUBLIC — POLICIES AND PROCEDURES — PROCEEDS OF SALE, HOW DISTRIBUTED. — 1. A land bank agency shall hold in its own name all real property acquired by such land bank agency irrespective of the identity of the transferor of such property.

2. A land bank agency shall maintain and make available for public review and inspection an inventory of all real property held by the land bank agency. This inventory shall be available on the land bank agency website and include at a minimum whether a parcel is available for sale, the address of the parcel if an address has been assigned, the parcel number, if no address has been assigned, and the year that a parcel entered the land bank agency's inventory.

3. The land bank agency shall determine and set forth in policies and procedures of the board the general terms and conditions for consideration to be received by the land bank agency for the transfer of real property and interests in real property, which consideration may take the form of monetary payments and secured financial obligations,

covenants, and conditions related to the present and future use of the property, contractual commitments of the transferee, and such other forms of consideration as determined by the board to be in the best interest of the land bank agency.

4. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may convey, exchange, sell, transfer, lease, grant, release and demise, pledge and hypothecate any and all interests in, upon or to property of the land bank agency.

5. A municipality may, in its resolution or ordinance creating a land bank agency establish a hierarchical ranking of priorities for the use of real property conveyed by such land bank agency, subject to subsection 7 of this section, including but not limited to:

- (1) Use for purely public spaces and places;
- (2) Use for affordable housing;
- (3) Use for retail, commercial and industrial activities;
- (4) Use as wildlife conservation areas; and
- (5) Such other uses and in such hierarchical order as determined by such municipality.

If a municipality in its resolution or ordinance creating a land bank agency establishes priorities for the use of real property conveyed by the land bank agency, such priorities shall be consistent with and no more restrictive than municipal planning and zoning ordinances.

6. The board may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance and all others related documents pertaining to the conveyance of property by the land bank agency.

7. A land bank agency shall accept written offers equal to or greater than fair market value to purchase real property held by the land bank agency. If a land bank agency rejects a written offer equal to or greater than fair market value, or does not respond to a written offer equal to or greater than fair market value within sixty days, the land bank agency's action shall be subject to judicial review under chapter 536 or any other applicable provision of law unless the basis for the land bank agency's rejection is that it has accepted another offer equal to or greater than fair market value for that property. Venue shall be in the circuit court of the county in which the land bank agency is located.

8. When any parcel of real estate acquired by a land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

- (1) To the payment of the expenses of sale;
- (2) To fulfill the requirements of the resolution, indenture or other financing documents adopted or entered into in connection with bonds, notes or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;
- (3) The balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget;
- (4) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, exclusive of net profit from the sale of ancillary parcels, shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed. The distributions shall be in proportion to the amounts of the taxes levied on the properties by the taxing authorities. Distribution shall be made on January first and July first of each year, and at such other times as the board may determine.

9. When any ancillary parcel is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

- (1) To the payment of all land taxes and related charges then due on such parcel;
- (2) To the payment of the expenses of sale;
- (3) To fulfill the requirements of the resolution, indenture, or other financing documents adopted or entered into in connection with bonds, notes or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;
- (4) The balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget;
- (5) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, may be paid in accordance with subdivision (3) of subsection 8 of this section.

10. If a land bank agency owns more than five parcels of real property in a single city block and no written offer to purchase any of those properties has been submitted to the agency in the past twelve months, the land bank shall reduce its requested price for those properties and advertise the discount publicly.

141.988. FUNDING SOURCES — FOUR PERCENT FEE TO BE TRANSFERRED TO COUNTY.

— 1. A land bank agency may receive funding through grants and loans from political subdivisions, from the state, from the federal government, and from other public and private sources.

2. Except as otherwise provided in subsections 8 and 9 of section 141.985, a land bank agency may receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from investments, and for any other asset and activity lawfully permitted to a land bank agency under this chapter.

3. If a land bank agency sells or otherwise disposes of a parcel of real estate held by it, any land taxes assessed against such parcel for the three tax years following such sale or disposition by such land bank agency that are collected by the collector in a calendar year and not refunded, less the fees provided under section 52.260 and subsection 4 of this section and less the amounts to be deducted under section 137.720, shall be distributed by the collector to such land bank agency no later than March 1 of the following calendar year; provided that land taxes impounded under section 139.031 or otherwise paid under protest shall not be subject to distribution under this subsection. Any amount required to be distributed to a land bank agency under this subsection shall be subject to offset for amounts previously distributed to such land bank agency that were assessed, collected, or distributed in error.

4. In addition to any other provisions of law related to collection fees, the collector shall collect on behalf of the county a fee of four percent of reserve period taxes collected and such fees collected shall be deposited in the county general fund.

141.991. ANNUAL AUDIT — PERFORMANCE AUDITS, WHEN. — There shall be an annual audit of the affairs, accounts, expenses, and financial transactions of a land bank agency by certified public accountants as of April thirtieth of each year, which accountants shall be employed by the commissioners on or before March first of each year, and certified copies thereof shall be furnished to the appointing authorities described in section 141.981, and shall be available for public inspection at the office of the land bank agency. In addition to the annual audit provided for in this subdivision, the land bank

agency may be performance audited at any time by the state auditor or by the auditor of the municipality that established the land bank agency. The cost of such audit shall be paid by the land bank agency, and copies shall be made available to the public within thirty days of the completion of the audit.

141.994. ISSUANCE OF BONDS, REQUIREMENTS. — 1. A land bank agency shall have power to issue bonds, with approval of the municipality that created the land bank agency, for any of its corporate purposes, which bonds shall be special, limited obligations of the land bank agency, the principal of and interest on which shall be payable solely from the income and revenue derived from the sale, lease, or other disposition of the assets of the land bank agency, or such portion thereof as may be designated in the resolution, indenture, or other financing documents relating to the issuance of the bonds. In the discretion of the land bank agency, any of such bonds may be secured by a pledge of additional revenues, including grants, contributions, or guarantees from the state, the federal government, or any agency or instrumentality thereof, or by a mortgage or other security device covering all or part of the property from which the revenues so pledged may be derived.

2. Bonds issued by a land bank agency shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. The bonds shall not constitute a debt, liability, or obligation of the state or of any political subdivision thereof, except in accordance with subsection 4 of this section, or a pledge of the full faith and credit or the taxing power of the state or of any such political subdivision, and the bonds shall contain a recital to that effect. Neither the members of the board nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

3. Bonds issued by a land bank agency shall be authorized by resolution of the board and shall be issued in such form, shall be in such denominations, shall bear interest at such rate or rates, shall mature on such dates and in such manner, shall be subject to redemption at such times and on such terms, and shall be executed by one or more members of the board, as provided in the resolution authorizing the issuance thereof or as set out in the indenture or other financing document authorized and approved by such resolution. The board may sell such bonds in such manner, either at public or at private sale, and for such price as it may determine to be in the best interests of the land bank agency.

4. Any political subdivision may elect to guarantee, insure, or otherwise become primarily or secondarily obligated with respect to the bonds issued by a land bank agency subject, however, to the provisions of Missouri law applicable to the incurrence of indebtedness by such political subdivision. No political subdivision shall have any such obligation if it does not so elect.

5. A land bank agency may from time to time, as authorized by resolution of the board, issue refunding bonds for the purpose of refunding, extending and unifying all or any part of its valid outstanding bonds. Such refunding bonds may be payable from any of the sources identified in subsections 1 and 4 of this section, and from the investment of any of the proceeds of the refunding bonds.

6. The bonds issued by a land bank agency shall be negotiable instruments pursuant to the provisions of the uniform commercial code of the state of Missouri.

7. Bonds issued pursuant to this section and all income or interest thereon shall be exempt from all state taxes, except estate and transfer taxes.

8. A land bank agency shall have the power to issue temporary notes upon the same terms and subject to all provisions and restrictions applicable to bonds under this section. Such notes issued by a land bank agency may be refunded by notes or bonds authorized under this section.

141.997. OPEN MEETINGS REQUIRED. — Except as otherwise provided under Missouri law, all board meetings shall be open to the public and the board shall cause minutes and a record to be kept of all its proceedings. The land bank agency shall be subject to the provisions of chapter 610, chapter 109, and any other applicable provisions of law governing public records and public meetings.

141.1000. BOARD MEMBERS AND EMPLOYEES, NO DIRECT COMPENSATION FROM LANDS HELD — VIOLATION, PENALTY. — Neither the members of the board nor any salaried employee of a land bank agency shall receive any compensation, emolument, or other profit directly or indirectly from the rental, management, acquisition, sale, demolition, repair, rehabilitation, use, operation, ownership, or disposition of any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in sections 141.980 to 141.1015. Neither the members of the board nor any salaried employee of a land bank agency shall own, directly or indirectly, any legal or equitable interest in or to any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in sections 141.980 to 141.1015. A violation of this section is a felony. Any person found guilty of violating this section shall be sentenced to a term of imprisonment of not less than two nor more than five years. The board of a land bank agency may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for members of the board and land bank agency employees, provided that such rules and regulations are not inconsistent with this chapter or any other applicable law.

141.1003. SAME RIGHTS AS PRIVATE PROPERTY OWNERS. — Except as otherwise expressly set forth in this chapter, in the exercise of its powers and duties under this chapter and its powers relating to property held by the land bank agency, the land bank agency shall have complete control of such property as fully and completely as if it were a private property owner.

141.1006. ENCUMBERED ANCILLARY PROPERTY, TAXES MAY BE CONTRIBUTED TO LAND BANK AGENCY BY TAXING AUTHORITY. — 1. Whenever any ancillary parcel is acquired by a land bank agency and is encumbered by a lien or claim for real property taxes owed to a taxing authority, such taxing authority may elect to contribute to the land bank agency all or any portion of such taxes that are distributed to and received by such taxing authority.

2. To the extent that a land bank agency receives payments or credits of any kind attributable to liens or claims for real property taxes owed to a taxing authority, the land bank agency shall remit the full amount of the payments to the collector for distribution to the appropriate taxing authority.

141.1009. QUIET TITLE ACTION, WHEN, PROCEDURE. — 1. A land bank agency shall be authorized to file an action to quiet title pursuant to section 527.150 as to any real property in which the land bank agency has an interest. For purposes of any and all such actions the land bank agency shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank agency as adequate petitioner in such action.

2. Prior to the filing of an action to quiet title the land bank agency shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the petition to quiet title shall be provided to all such interested parties by the following methods:

(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;

(2) In the case of occupied real property by first class mail, addressed to "Occupant";
(3) By posting a copy of the notice on the real property;
(4) By publication in a newspaper of general circulation in the municipality in which the property is located; and

(5) Such other methods as the court may order.

3. As part of the petition to quiet title the land bank agency shall file an affidavit identifying all parties potentially having an interest in the real property, and the form of notice provided.

4. The court shall schedule a hearing on the petition within ninety days following filing of the petition, and as to all matters upon which an answer was not filed by an interested party the court shall issue its final judgment within one hundred twenty days of the filing of the petition.

5. A land bank agency shall be authorized to join in a single petition to quiet title one or more parcels of real property.

141.1012. DISSOLUTION, PROCEDURE. — A land bank agency may be dissolved as a public body corporate and politic not less than sixty calendar days after an ordinance or resolution for such dissolution is passed by the municipality that established the land bank agency. Not less than sixty calendar days advance written notice of consideration of such an ordinance or resolution of dissolution shall be given to the members of the board of the land bank agency, shall be published in a local newspaper of general circulation within such municipality, and shall be sent certified mail to each trustee of any outstanding bonds of the land bank agency. No land bank agency shall be dissolved while there remains outstanding any bonds, notes, or other obligations of the land bank agency unless such bonds, notes, or other obligations are paid or defeased pursuant to the resolution, indenture or other financing document under which such bonds, notes, or other obligations were issued prior to or simultaneously with such dissolution. Upon dissolution of a land bank agency pursuant to this section, all real property, personal property, and other assets of the land bank agency shall be transferred by appropriate written instrument to and shall become the assets of the municipality that established the land bank agency. Such municipality shall act expeditiously to return such real property to the tax rolls and shall market and sell such real property using an open, public method that ensures the best possible prices are realized while ensuring such real property is returned to a suitable, productive use for the betterment of the neighborhoods in which such real property is located. Any such real property that was acquired by the dissolved land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 shall be held by such municipality in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure, and upon the sale or other disposition of any such property by such municipality, the proceeds therefrom shall be applied and distributed in the following order:

(1) To the payment of the expenses of sale;

(2) To the reasonable costs incurred by such municipality in maintaining and marketing such property; and

(3) The balance shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed.

141.1015. POWER OF EMINENT DOMAIN OR TO TAX NOT AUTHORIZED. — A land bank agency shall neither possess nor exercise the power of eminent domain. A land bank agency shall not have the power to tax.

Approved July 9, 2012

HB 1661 [HCS HB 1661]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the income tax deduction for job creation by small businesses

AN ACT to repeal section 143.173, RSMo, and to enact in lieu thereof one new section relating to tax deductions for job creation by small businesses.

SECTION

A. Enacting clause.

143.173. Tax deduction for job creation by small businesses, definitions, amount, procedure, sunset date.

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

SECTION A. ENACTING CLAUSE. — Section 143.173, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.173, to read as follows:

143.173. TAX DEDUCTION FOR JOB CREATION BY SMALL BUSINESSES, DEFINITIONS, AMOUNT, PROCEDURE, SUNSET DATE. — 1. As used in this section, the following terms mean:

(1) "County average wage", the average wages in each county as determined by the 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 this section;

(2) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income, or federal taxable income in the case of a corporation, for the tax year in which such deduction is claimed;

(3) "Full-time employee", a position in which the employee is considered full-time by the taxpayer and is required to work an average of at least thirty-five hours per week for a fifty-two week period;

(4) "New job", the number of full-time employees employed by the small business in Missouri on the qualifying date that exceeds the number of full-time employees employed by the small business in Missouri on the same date of the immediately preceding taxable year;

(5) "Qualifying date", any date during the tax year as chosen by the small business;

(6) "Small business", any small business, **including any sole proprietorship, partnership, S-corporation, C-corporation, limited liability company, limited liability partnership, or other business entity**, consisting of fewer than fifty full or part-time employees;

(7) "Taxpayer", any small business subject to the income tax imposed in this chapter, **including any sole proprietorship, partnership, S-corporation, C-corporation, limited liability company, limited liability partnership, or other business entity**.

2. In addition to all deductions listed in this chapter, for all taxable years beginning on or after January 1, 2011, and ending on or before December 31, 2014, a taxpayer shall be allowed a deduction for each new job created by the small business in the taxable year. **Tax deductions allowed to any partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders.** The deduction amount shall be as follows:

(1) Ten thousand dollars for each new job created with an annual salary of at least the county average wage; or

(2) Twenty thousand dollars for each new job created with an annual salary of at least the county average wage if the small business offers health insurance and pays at least fifty percent of such insurance premiums.

3. The department of revenue shall establish the procedure by which the deduction provided in this section may be claimed, and 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 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, 2011, shall be invalid and void.

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 three 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 three years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Approved June 27, 2012

HB 1680 [HB 1680]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the name of the Heroes at Home Program to the Show-Me Heroes Program and adds spouses of active duty United States military personnel to those eligible to receive its services

AN ACT to repeal section 620.515, RSMo, and to enact in lieu thereof one new section relating to the Show-Me heroes program.

SECTION

A. Enacting clause.

620.515. Show-Me heroes program established to assist active duty military personnel and members of the national guard and their families — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Section 620.515, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 620.515, to read as follows:

620.515. SHOW-ME HEROES PROGRAM ESTABLISHED TO ASSIST ACTIVE DUTY MILITARY PERSONNEL AND MEMBERS OF THE NATIONAL GUARD AND THEIR FAMILIES — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "[Hero at Home] **Show-Me Heroes**" program, the purpose of which is to:

(1) Assist the spouse of an active duty national guard or reserve component service member reservist **and active duty United States military personnel** to address immediate needs and employment in an attempt to keep the family from falling into poverty while the primary income earner is on active duty, and during the one-year period following discharge from deployment; and

(2) Assist returning national guard troops or reserve component service member reservists **and recently separated United States military personnel** with finding work in situations where an individual needs to rebuild business clientele or where an individual's job has been eliminated while such individual was deployed, or where the individual otherwise cannot return to his or her previous employment.

2. Subject to appropriation, the department of economic development shall operate the [hero at home] **Show-Me heroes** program through existing programs [or by entering into a contract with qualified providers through local workforce investment boards]. Eligibility for the program shall be based on the following criteria:

(1) Eligible participants in the program shall be those families where:

(a) The primary income earner was called to active duty in defense of the United States for a period of more than four months;

(b) The family's primary income is no longer available;

(c) The family is experiencing significant hardship due to financial burdens; and

(d) The family has no outside resources available to assist with such hardships;

(2) Services that may be provided to the family will be aimed at ameliorating the immediate crisis and providing a path for economic stability while the primary income is not available due to the active military commitment. Services shall be made available up to one year following discharge from deployment. Services may include, but not be limited to the following:

(a) Financial assistance to families facing financial crisis from overdue bills [due to reduced income after the deployment of a spouse];

(b) Help paying day care costs to pursue training and or employment;

(c) Help covering the costs of transportation to training and or employment;

(d) Vocational evaluation and vocational counseling to help the individual choose a visible employment goal;

(e) Vocational training to acquire or upgrade skills needed to be marketable in the workforce;

(f) Paid internships and subsidized employment to train on the job; and

(g) Job placement assistance for those who don't require skills training;

(3) The department shall ensure the eligible providers are:

(a) community-based not-for-profit agencies which have significant experience in job training, placement, and social services;

(b) Providers with extensive experience providing such services to veterans and implementing contracts with veteran organizations such as the department of veteran affairs;

(c) Providers which have attained the distinction of being accredited through a national accreditation body for training and or human services;

(d) Providers which are able to provide a twenty percent match to the program either through indirect or direct expenditures; and

(e) Providers with experience in the regions targeted for the program].

3. The department shall structure any contract such that payment will be based on delivering the services described in this section as well as performance to guarantee the greatest possible effectiveness of the program.

4. [Because of the important nature of this program to the health and welfare of Missourians, this section shall become effective on July 1, 2006. The department shall make every reasonable effort to ensure that the hero at home program is serving families by August 1, 2006] **The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created**

under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

Approved July 2, 2012

HB 1731 [SS SCS HCS HB 1731]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the use of gaming and tobacco settlement moneys

AN ACT to repeal sections 42.300, 161.215, and 313.835, RSMo, and to enact in lieu thereof six new sections relating to the use of gaming moneys, with an emergency clause.

SECTION

- A. Enacting clause.
- 42.300. Fund created, use of moneys — interest — appropriation of moneys to another fund — audit of fund.
- 161.215. Early childhood development, education and care fund created, purpose, use of moneys — rulemaking authority — audit.
- 161.216. Quality rating system for early childhood education, prohibition on certain incentives and mandates to participate without statutory authority — taxpayer standing, when — definitions.
- 313.835. Gaming commission fund created, purpose, expenditures — disposition of proceeds of gaming commission fund.
 - 1. Nonseverability clause — veteran's commission capital improvement trust fund and early childhood education funding.
 - 2. Public institutions of higher education funding formula, joint committee to develop and implement.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 42.300, 161.215, and 313.835, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 42.300, 161.215, 161.216, 313.835, 1, and 2, to read as follows:

42.300. FUND CREATED, USE OF MONEYS — INTEREST — APPROPRIATION OF MONEYS TO ANOTHER FUND — AUDIT OF FUND. — 1. There is hereby created in the state treasury the "Veterans Commission Capital Improvement Trust Fund" which shall consist of money collected under section 313.835. The state treasurer shall administer the veterans commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans commission for:

- (1) The construction, maintenance or renovation or equipment needs of veterans' homes in this state;
- (2) The construction, maintenance, renovation, equipment needs and operation of veterans' cemeteries in this state;
- (3) Fund transfers to Missouri veterans' homes fund established under the provisions of section 42.121, as necessary to maintain solvency of the fund;
- (4) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state

which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed ten million dollars total may be made from the veterans commission capital improvement trust fund as a match to other funds for the new construction or renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, new construction, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans commission prior to July 1, 2004;

(5) The issuance of matching fund grants for veterans' service officer programs to any federally chartered veterans' organization or municipal government agency that is certified by the Veterans Administration to process veteran claims within the Veterans Administration System; provided that such veterans' organization has maintained a veterans' service officer presence within the state of Missouri for the three-year period immediately preceding the issuance of any such grant. A total of one million five hundred thousand dollars in grants shall be made available annually for service officers and joint training and outreach between veterans' service organizations and the Missouri veterans commission with grants being issued in July of each year. Application for the matching grants shall be made through and approved by the Missouri veterans commission based on the requirements established by the commission;

(6) For payment of Missouri national guard and Missouri veterans commission expenses associated with providing medals, medallions and certificates in recognition of service in the armed forces of the United States during World War II, the Korean Conflict, and the Vietnam War under sections 42.170 to 42.226. Any funds remaining from the medals, medallions and certificates shall not be transferred to any other fund and shall only be utilized for the awarding of future medals, medallions, and certificates in recognition of service in the armed forces; [and]

(7) Fund transfers totaling ten million dollars to any municipality with a population greater than three hundred fifty thousand inhabitants and located in part in a county with a population greater than six hundred thousand inhabitants and with a charter form of government, for the sole purpose of the construction, restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I; **and**

(8) The administration of the Missouri veterans commission.

2. Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund under this section. Notwithstanding the provisions of section 33.080, to the contrary, moneys in the veterans commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

3. Upon request by the veterans commission, the general assembly may appropriate moneys from the veterans commission capital improvement trust fund to the Missouri national guard trust fund to support the activities described in section 41.958.

4. The state auditor shall conduct an audit of all moneys in the veterans commission capital improvement trust fund every year beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall be distributed to the general assembly, governor, and lieutenant governor no later than ten business days after the completion of such audit.

161.215. EARLY CHILDHOOD DEVELOPMENT, EDUCATION AND CARE FUND CREATED, PURPOSE, USE OF MONEYS — RULEMAKING AUTHORITY — AUDIT. — 1. There is hereby created in the state treasury the "Early Childhood Development, Education and Care Fund" [which shall consist of money collected under section 313.835 and] which is created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, moneys in the fund at the end of any

biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten under section 160.053 to enter school ready to learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary, early childhood development, education and care programs serving children in every region of the state not yet enrolled in kindergarten. **For fiscal year 2013 and each subsequent fiscal year, at least thirty-five million dollars of the funds received from the master settlement agreement, as defined in section 196.1000, shall be deposited in the early childhood development, education and care fund.**

2. No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this subsection to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys under the provisions of this subsection and additional moneys as appropriated by the general assembly shall be appropriated to the department of elementary and secondary education and twenty percent of such moneys under the provisions of this subsection shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants:

- (1) Grants or contracts may be provided for:
 - (a) Start-up funds for necessary materials, supplies, equipment and facilities; and
 - (b) Ongoing costs associated with the implementation of a sliding parental fee schedule based on income;
- (2) Grant and contract applications shall, at a minimum, include:
 - (a) A funding plan which demonstrates funding from a variety of sources including parental fees;
 - (b) A child development, education and care plan that is appropriate to meet the needs of children;
 - (c) The identity of any partner agencies or contractual service providers;
 - (d) Documentation of community input into program development;
 - (e) Demonstration of financial and programmatic accountability on an annual basis;
 - (f) Commitment to state licensure within one year of the initial grant, if funding comes from the appropriation to the department of elementary and secondary education and commitment to compliance with the requirements of the department of social services, if funding comes from the department of social services; and
 - (g) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;
- (3) In awarding grants and contracts under this subdivision, the departments may give preference to programs which:
 - (a) Are new or expanding programs which increase capacity;
 - (b) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;
 - (c) Are programs designed for special needs children;
 - (d) Are programs that offer services during nontraditional hours and weekends; or
 - (e) Are programs that serve a high concentration of low-income families.

3. No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. Section 9858c(c)(2)(A) and 42 U.S.C. Section 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services.

At a minimum, the certificate shall be of a value per child which is commensurate with the per-child payment under paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized under subsection 2 of this section.

4. No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child-care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization.

5. No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per-child payment under paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods.

6. In setting the value of parental certificates under subsection 3 of this section and payments under subsection 5 of this section, the department of social services may increase the value based on the following:

(1) The adult caretaker of the children successfully participates in the parents as teachers program under the provisions of sections 178.691 to 178.699, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. Section 9832 or a similar program approved by the department;

(2) The adult caretaker consents to and clears a child abuse or neglect screening under subdivision (1) of subsection 2 of section 210.152; and

(3) The degree of economic need of the family.

7. The department of elementary and secondary education and the department of social services each shall by rule promulgated under chapter 536 establish guidelines for the implementation of the early childhood development, education and care programs as provided in subsections 2 to 6 of this section.

8. The state auditor shall conduct an audit of all moneys in the early childhood development, education and care fund created in subsection 1 of this section every year beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall be distributed to the general assembly no later than ten business days after the completion of such audit.

9. 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, 2010, shall be invalid and void.

161.216. QUALITY RATING SYSTEM FOR EARLY CHILDHOOD EDUCATION, PROHIBITION ON CERTAIN INCENTIVES AND MANDATES TO PARTICIPATE WITHOUT STATUTORY AUTHORITY — TAXPAYER STANDING, WHEN — DEFINITIONS. — 1. No public institution of higher education, political subdivision, governmental entity, or quasi-governmental entity receiving state funds shall operate, establish, or maintain, offer incentives to

participate in, or mandate participation in a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education, unless the authority to operate, establish, or maintain such a system is enacted into law through:

- (1) A bill as prescribed by article III of the Missouri Constitution;
- (2) An initiative petition as prescribed by section 50 of article III of the Missouri Constitution; or
- (3) A referendum as prescribed by section 52(a) of article III of the Missouri Constitution.

2. No public institution of higher education, political subdivision, governmental entity or quasi-governmental entity receiving state funds shall promulgate any rule or establish any program, policy, guideline, or plan or change any rule, program, policy, guideline, or plan to operate, establish, or maintain a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education unless such public institution of higher education, political subdivision, governmental entity or quasi-governmental entity receiving state funds has received statutory authority to do so in a manner consistent with subsection 1 of this section.

3. Any taxpayer of this state or any member of the general assembly shall have standing to bring suit against any public institution of higher education, political subdivision, governmental entity or quasi-governmental entity which is in violation of this section in any court with jurisdiction to enforce the provisions of this section.

4. This section shall not be construed to limit the content of early childhood education courses, research, or training carried out by any public institution of higher education. A course on quality rating systems or training quality assurance systems shall not be a requirement for certification by the state as an individual child care provider or any licensing requirement that may be established for an individual child care provider.

5. For purposes of this section:

(1) "Early childhood education" shall mean education programs that are both centered and home-based and providing services for children from birth to kindergarten;

(2) "Quality rating system" or "training quality assurance system" shall include the model from the Missouri quality rating system pilots developed by the University of Missouri Center for Family Policy and Research, any successor model, or substantially similar model. "Quality rating system" or "training quality assurance system" shall also include but not be limited to a tiered rating system that provides a number of tiers or levels to set benchmarks for quality that build upon each other, leading to a top tier that includes program accreditation. "Quality rating system" or "training quality assurance system" may also include a tiered reimbursement system that may be tied to a tiered rating system;

(3) "Tiered reimbursement system" or "training quality assurance system" shall include but not be limited to a system that links funding to a quality rating system, a system to award higher child care subsidy payments to programs that attain higher quality levels, or a system that offers other incentives through tax policy or professional development opportunities for childcare providers.

313.835. GAMING COMMISSION FUND CREATED, PURPOSE, EXPENDITURES — DISPOSITION OF PROCEEDS OF GAMING COMMISSION FUND. — All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be deposited in the state treasury to the credit of the "Gaming

Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

(1) The first five hundred thousand dollars shall be appropriated on a per capita basis to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;

(2) The remaining net proceeds in the gaming commission fund for fiscal year [1999] **2013** and each fiscal year thereafter shall be distributed as follows:

(a) The first [four and one-half] **five** million dollar portion shall be transferred to the access Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101 to 173.1107, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;

(b) The second three million dollar portion shall be transferred to the veterans' commission capital improvement trust fund created in section 42.300;

(c) The third [three] **four** million dollar portion shall be transferred to the Missouri national guard trust fund created in section 41.214, **and additional moneys as appropriated by the general assembly may be appropriated to such fund, up to one million five hundred thousand dollars annually;**

(d) Subject to appropriations, one hundred percent of remaining net proceeds in the gaming commission fund [except as provided in paragraphs (e) and (f) of this subdivision, and] , after the appropriations **are** made pursuant to the provisions of paragraphs (a), (b), and (c) of this subdivision, shall be transferred to the [early childhood development, education and care fund created in section 161.215;

(e) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund annually exceeds twenty-eight million dollars: one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the access Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101 to 173.1107; three million dollars of such proceeds shall be transferred annually, subject to appropriation, to the veterans' commission capital improvement trust fund; and one million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri national guard trust fund created in section 41.214;

(f) Beginning in fiscal year 2011 and each fiscal year thereafter when the funding for early childhood education under paragraph (d) of this subdivision equals the funding level for early childhood education under paragraph (d) of this subdivision in fiscal year 2009, one-half of the next one million two hundred thousand dollars of such proceeds shall be transferred annually, subject to appropriation, to the veterans commission capital improvement trust fund for the purpose of funding veterans' service officer programs identified under subdivision (5) of subsection 1 of section 42.300, and the other half of the one million two hundred thousand dollars shall be transferred annually, subject to appropriation, to the early childhood development, education and care fund created in section 161.215] **veterans' commission capital improvement trust fund created in section 42.300.**

SECTION 1. NONSEVERABILITY CLAUSE — VETERAN'S COMMISSION CAPITAL IMPROVEMENT TRUST FUND AND EARLY CHILDHOOD EDUCATION FUNDING. — Notwithstanding the provisions of section 1.140, to the contrary, the provisions of this act

shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.

SECTION 2. PUBLIC INSTITUTIONS OF HIGHER EDUCATION FUNDING FORMULA, JOINT COMMITTEE TO DEVELOP AND IMPLEMENT. — The joint committee on education shall develop a comprehensive funding formula for Missouri public institutions of higher education by December 31, 2013. The General Assembly shall implement a funding formula beginning in fiscal year 2015.

SECTION B. EMERGENCY CLAUSE. — Because of the need to supply funding for veterans programs in the state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved May 30, 2012

HB 1807 [SS SCS HB1807, HB1093, HB1107, HB1156, HB1221, HB1261, HB1269, HB1641, HB1668, HB1737, HB1782, HB1868, AND HB1878]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the Breast Cancer Awareness Trust Fund, highway designations, recreational off-highway vehicles, municipal vehicles, and special license plates

AN ACT to repeal sections 143.1009, 301.010, 301.260, 301.3084, 301.3161, and 301.3163, RSMo, and to enact in lieu thereof twenty-eight new sections relating to transportation.

SECTION

- A. Enacting clause.
- 143.1009. Breast cancer awareness trust fund, designation of tax refund permitted — director's duties — sunset provision.
- 227.307. Sgt. Issac B. Jackson Memorial Highway designated for a portion of Missouri Route 116 in Clinton County.
- 227.394. LCPL Patrick W. Schimmel Memorial Highway designated for a portion of Missouri Highway C in Lincoln County.
- 227.395. Spc. James Burnett, Jr. Memorial Highway designated for a portion of Missouri Route 25 in Stoddard County.
- 227.501. Missouri Fox Trotting Highway designated for a portion of Highway 5 between the cities of Ava and Mansfield.
- 227.503. Bob Watts Memorial Bicycle & Pedestrian Bridge designated for the Heart of America Bridge on Route 9 in Kansas City.
- 227.505. Chief of Police Jerry E. Hicks Memorial Highway designated for a portion of Highway 8 in St. Francois County.
- 227.506. Matthew J. England Memorial Highway designated for a portion of U.S. Highway 160 in the City of Gainesville.
- 227.508. Staff Sergeant Norman J. Inman Memorial Highway designated for a portion of Highway 21 in Iron County.
- 227.509. Darrell B. Roegner Memorial Highway designated for a portion of Highway 64/40 in St. Charles County.
- 227.510. Trooper Fred F. Guthrie Jr. Memorial Highway designated for a portion of Interstate 29 in Platte County.
- 227.511. Christopher S. 'Kit' Bond Highway designated for a portion of Bus. Rte 54 in the City of Mexico.
- 227.512. AMVETS Memorial Highway designated for a portion of Route 94 in Callaway County.
- 227.514. Harriett Woods Memorial Highway designated for a portion of Interstate 170.
- 301.010. Definitions.

- 301.260. State and municipally owned motor vehicles — public schools and colleges courtesy or driver training vehicles — regulations.
- 301.473. Missouri Junior Golf Foundation — Building the Future special license plate, application, fee.
- 301.3052. Navy Cross special license plate, application, fee.
- 301.3084. Breast Cancer Awareness special license plate, application, fee.
- 301.3161. Cass County — The Burnt District special license plate authorized, fee.
- 301.3163. Don't Tread on Me specialty personalized license plate authorized.
- 301.3165. I HAVE A DREAM special license plate, application, fee.
- 301.4039. GO TEAM USA special license plate, application, fee.
- 301.4040. PROUD SUPPORTER (American Red Cross) special license plate, application, fee.
- 301.4042. Pony Express special license plate, application, fee.
- 301.4044. National Wild Turkey Federation special license plate, application, fee.
- 301.4045. National Rifle Association special license plate, application, fee.
- 304.033. Recreational off-highway vehicles, operation on highways prohibited, exceptions — operation within streams and rivers prohibited, exceptions — license required for operation, exception.

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

SECTION A. ENACTING CLAUSE. — Sections 143.1009, 301.010, 301.260, 301.3084, 301.3161, and 301.3163, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 143.1009, 227.307, 227.394, 227.395, 227.501, 227.503, 227.505, 227.506, 227.508, 227.509, 227.510, 227.511, 227.512, 227.514, 301.010, 301.260, 301.473, 301.3052, 301.3084, 301.3161, 301.3163, 301.3165, 301.4039, 301.4040, 301.4042, 301.4044, 301.4045, and 304.033, to read as follows:

143.1009. BREAST CANCER AWARENESS TRUST FUND, DESIGNATION OF TAX REFUND PERMITTED — DIRECTOR'S DUTIES — SUNSET PROVISION. — 1. In each taxable year beginning on or after January 1, 2008, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the breast cancer awareness trust fund, hereinafter referred to as the trust fund. If any individual or corporation 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 trust fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the breast cancer awareness trust fund, the individual or corporation wishes to contribute. The department of revenue shall deposit such amount to the trust fund as provided in subsections 2 and 3 of this section. All moneys credited to the trust fund shall be considered nonstate funds under the provisions of article IV, section 15 of the Missouri Constitution.

2. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the trust fund.

3. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the costs of collection and handling by the department of revenue, to the state treasury for deposit to the trust fund.

4. A contribution designated under this section shall only be deposited in the trust fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. All moneys transferred to the trust fund shall be distributed by the director of revenue at times the director deems appropriate to the [Friends of the Missouri Women's Council] **department of health and senior services**. Such funds shall be used solely for the purpose of providing breast cancer services. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

6. There is hereby created in the state treasury the "Breast Cancer Awareness Trust Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements.

7. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2008, 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 December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

227.307. SGT. ISSAC B. JACKSON MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF MISSOURI ROUTE 116 IN CLINTON COUNTY. — The portion of Missouri Route 116 located in Clinton County, from its intersection with Center Street or State Highway A in the city of Lathrop, west to its intersection with Missouri Route 33, shall be designated as the "Sgt. Issac B. Jackson Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donation.

227.394. LCPL PATRICK W. SCHIMMEL MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF MISSOURI HIGHWAY C IN LINCOLN COUNTY. — The portion of Missouri Highway C that crosses over U.S. Highway 79 in Lincoln County shall be designated the "LCPL Patrick W. Schimmel Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid by private donations.

227.395. SPC. JAMES BURNETT, JR. MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF MISSOURI ROUTE 25 IN STODDARD COUNTY. — The portion of Missouri Route 25 in Stoddard County from the city limits of Advance to one mile south of such city limits shall be designated the "Spc. James Burnett, Jr. Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donation.

227.501. MISSOURI FOX TROTTING HIGHWAY DESIGNATED FOR A PORTION OF HIGHWAY 5 BETWEEN THE CITIES OF AVA AND MANSFIELD. — The portion of highway 5 between the city of Ava and the city of Mansfield shall be designated the "Missouri Fox Trotting Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donation.

227.503. BOB WATTS MEMORIAL BICYCLE & PEDESTRIAN BRIDGE DESIGNATED FOR THE HEART OF AMERICA BRIDGE ON ROUTE 9 IN KANSAS CITY. — The bi-directional pedestrian and bicycle path on the Heart of America Bridge, which carries Route 9 over the Missouri River in Kansas City, Missouri, shall be designated the "Bob Watts Memorial Bicycle & Pedestrian Bridge". The department of transportation shall erect and maintain appropriate signs designating such pedestrian and bicycle lane, with the costs to be paid for by private donations.

227.505. CHIEF OF POLICE JERRY E. HICKS MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF HIGHWAY 8 IN ST. FRANCOIS COUNTY. — The portion of highway 8 in St.

Francois County from the intersection of Hunt Street east for a distance of one mile shall be designated the "Chief of Police Jerry E. Hicks Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

227.506. MATTHEW J. ENGLAND MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 160 IN THE CITY OF GAINESVILLE. — The portion of U.S. Highway 160 in the City of Gainesville from the intersection of Highway 5 south of the intersection of County Road 300 in Ozark County shall be designated the "Matthew J. England Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

227.508. STAFF SERGEANT NORMAN J. INMAN MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF HIGHWAY 21 IN IRON COUNTY. — The portion of Highway 21 in Iron County from the intersection of Highway 221 south to the intersection of Highway 72 shall be designated the "Staff Sergeant Norman J. Inman Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

227.509. DARRELL B. ROEGNER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF HIGHWAY 64/40 IN ST. CHARLES COUNTY. — The portion of highway 64/40 between mile markers 10.2 and 12.8 in St. Charles County shall be designated the "Darrell B. Roegner Memorial Highway." Costs for such designation shall be paid by private donations.

227.510. TROOPER FRED F. GUTHRIE JR. MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF INTERSTATE 29 IN PLATTE COUNTY. — The portion of Interstate 29 in Platte County, from the intersection of Missouri 273/371 north to the intersection of Route U/E shall be designated the "Trooper Fred F. Guthrie Jr. Memorial Highway". Costs for such designation shall be paid by private donations.

227.511. CHRISTOPHER S. 'KIT' BOND HIGHWAY DESIGNATED FOR A PORTION OF BUS. RTE 54 IN THE CITY OF MEXICO. — A portion of Business Route 54 within the city limits of Mexico, in Audrain County, shall be designated the "Christopher S. 'Kit' Bond Highway". Costs for such designation shall be paid by private donation.

227.512. AMVETS MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF ROUTE 94 IN CALLAWAY COUNTY. — The portion of Route 94 in Callaway County from one mile east of Route D to the intersection of U.S. 54 shall be designated the "AMVETS Memorial Highway". Costs for such designation shall be paid by private donation.

227.514. HARRIETT WOODS MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF INTERSTATE 170. — The stretch of Interstate 170, from its intersection with Interstate 270 on the North to its intersection with Delmar Boulevard on the South, shall be designated the "Harriett Woods Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donation.

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, 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;
 - (2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;
 - (3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;
 - (4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;
 - (5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;
 - (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;
 - (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;
 - (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;
 - (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;
 - (10) "Director" or "director of revenue", the director of the department of revenue;
 - (11) "Driveaway operation":
 - (a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
 - (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or
 - (c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;
 - (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;
 - (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
 - (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
 - (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
 - (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;
 - (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;
 - (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;
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(19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

(22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

(23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

(24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than

two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(28) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

(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;

(34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(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;

(36) "Motorcycle", a motor vehicle operated on two wheels;

(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;

(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;

(39) "Municipality", any city, town or village, whether incorporated or not;

(40) "Nonresident", a resident of a state or country other than the state of Missouri;

(41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(42) "Operator", any person who operates or drives a motor vehicle;

(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;

(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;

(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;

(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;

(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;

(48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an unladen dry weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV trails;

(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;

(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";

(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;

(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;

(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;

(54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(55) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(56) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(58) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(60) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

(61) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(63) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(64) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(66) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(69) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.260. STATE AND MUNICIPALLY OWNED MOTOR VEHICLES—PUBLIC SCHOOLS AND COLLEGES COURTESY OR DRIVER TRAINING VEHICLES—REGULATIONS. — 1. The director of revenue shall issue certificates for all cars owned by the state of Missouri and shall assign to each of such cars two plates bearing the words: "State of Missouri, official car number" (with the number inserted thereon), which plates shall be displayed on such cars when they are being used on the highways. No officer or employee or other person shall use such a motor vehicle for other than official use.

2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of sections 301.010 to 301.440 while being operated within the limits of such municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and display of number plates; provided, however, that there shall be [displayed] **a plate, or**, on each side of such motor vehicle, [in] letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, **to display** the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. Provided, further, that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words "School Bus, State of Missouri, car no." (with the number inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes.

3. For registration purposes only, a public school or college shall be considered the temporary owner of a vehicle acquired from a new motor vehicle franchised dealer which is to be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to the director of revenue a copy of a lease agreement with an option to purchase clause between the authorized new motor vehicle franchised dealer and the school or college and a photocopy

of the front of the dealer's vehicle manufacturer's statement of origin, and shall make application for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle is plainly marked as a driver training vehicle while being used for such purpose and such vehicle can also be used in conjunction with the activities of the educational institution.

4. As used in this section, the term "political subdivision" is intended to include any township, road district, sewer district, school district, municipality, town or village, sheltered workshop, as defined in section 178.900, and any interstate compact agency which operates a public mass transportation system.

301.473. MISSOURI JUNIOR GOLF FOUNDATION — BUILDING THE FUTURE SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law, any person, after an annual payment of an emblem-use fee to the Missouri Junior Golf Foundation, may receive personalized speciality license plates for any vehicle owned, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The Missouri Junior Golf Foundation hereby authorizes the use of its official emblem to be affixed on multi-year personalized speciality license plates as provided in this section. Any contribution to the Missouri Junior Golf Foundation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Junior Golf Foundation. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Junior Golf Foundation, the Missouri Junior Golf Foundation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a personalized speciality license plate which shall bear the emblem of the Missouri Junior Golf Foundation, and the words "MISSOURI JUNIOR GOLF FOUNDATION - BUILDING THE FUTURE" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalized specialty plates issued under this section.

3. A vehicle owner who was previously issued a plate with the Missouri Junior Golf Foundation's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Junior Golf Foundation's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a Missouri Junior Golf Foundation speciality plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the speciality plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such personalized

specialty license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a person chooses to replace the specialty personalized plate for the new design, the person must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required.

301.3052. NAVY CROSS SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any person who has been awarded the military service award or medal known as the "Navy Cross" pursuant to 10 U.S.C. Section 6242 may apply for Navy Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the Navy Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Navy Cross as the director may require.

3. Upon presentation of such proof as a recipient of the Navy Cross and payment of a fifteen dollar fee in addition to regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special personalized license plate which shall bear an image of the Navy Cross medal and the words "NAVY CROSS" at the bottom of the plate, in a manner proscribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Navy Cross license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

5. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person.

6. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

7. The director may consult with any organization which represents the interests of persons receiving the Navy Cross when formulating the design for the special license plates described in this section.

8. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

301.3084. BREAST CANCER AWARENESS SPECIAL LICENSE PLATE, APPLICATION, FEE.

— 1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight[, after an annual contribution of an emblem-use authorization fee to the Friends of the Missouri Women's Council. Any contribution to the Friends of the Missouri Women's Council pursuant to this section, except reasonable administrative costs, shall be designated for the sole purpose of providing breast cancer services, including but not limited to screening, treatment, staging, and follow-up services. The Friends of the Missouri Women's Council hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any person may annually apply for the use of the emblem]. **Upon making a twenty-five dollar annual contribution to support breast cancer awareness activities conducted by the department of health and senior services, the vehicle owner may apply for a "Breast Cancer Awareness" license plate. If the contribution is made directly to the state treasurer, the state treasurer shall issue the individual making the contribution a receipt verifying the contribution that may be used to apply for the breast cancer awareness license plate. If the contribution is made directly to the director of revenue, the director shall note the contribution and the owner may then apply for the breast cancer awareness plate. The applicant for such plate must pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of breast cancer awareness plates issued pursuant to this section. The state treasurer or the director of revenue shall deposit the twenty-five dollar annual contribution in the Missouri public health services fund. Funds in such account shall be used to support breast cancer awareness activities conducted by the department of health and senior services.**

2. [Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Friends of the Missouri Women's Council, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle.] Upon presentation of the annual statement **or a twenty-five dollar annual contribution, as applicable, and** payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear a graphic design depicting the breast cancer awareness pink ribbon symbol [with] **and** the words "Breast Cancer Awareness" [forming an oval around the symbol, and shall bear the words "MISSOURI WOMEN'S COUNCIL" in place of the words "SHOW-ME STATE"] **at the bottom of the plate, in a manner prescribed by the director of revenue.** Such license plates shall be made with fully reflective material with a common color scheme and design **of the standard license plate**, shall be clearly visible at night, **shall have a reflective white background in the area of the plate configuration**, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with a breast cancer awareness emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3161. CASS COUNTY — THE BURNT DISTRICT SPECIAL LICENSE PLATE AUTHORIZED, FEE. — 1. **Notwithstanding any other provision of law to the contrary**, any person may apply for special motor vehicle license plates for any vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight, after an annual contribution of twenty-five dollars to the Cass County collector of revenue. Any contribution derived from this section, except reasonable administrative costs, shall be distributed within the county as follows:

- (1) ~~Eighty~~ **Seventy** percent to public safety; [and]
- (2) **Fifteen percent to the Cass County Historical Society; and**
- (3) ~~Twenty~~ **Fifteen** percent to the Cass County parks and recreation department.

2. Upon annual application and payment of twenty-five dollars **to the Cass County collector of revenue**, the county shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the [department] **director** of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a [personalized license plate which shall bear the words "CASS COUNTY — THE BURNT DISTRICT" in the place of the words "SHOW-ME STATE"] **specialty personalized license plate which shall bear the words "CASS COUNTY — THE BURNT DISTRICT" at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be yellow beginning at the top with the color fading into orange at the bottom and shall have a black decorative scroll on the left and right side of the plate configuration. The scrolls shall not be more than one inch in width or three and a half inches in height.** Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for personalization of license plates under this section.

3. [The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void] **A vehicle owner who was previously issued a plate with the emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Cass County Burnt District emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.**

4. **Prior to the issuance of a specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.**

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.3163. DON'T TREAD ON ME SPECIALTY PERSONALIZED LICENSE PLATE AUTHORIZED. — Any person may apply for [special] **specialty personalized** "Don't Tread on Me" motor vehicle license plates for any vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Such person shall make application for the [special] **specialty personalized** license plates on a form provided by the director of revenue. The director shall then issue **specialty personalized** license plates bearing letters or numbers or a combination thereof as determined by the [advisory committee established in section 301.129] **director**, with the words "DON'T TREAD ON ME" [in place of the words "SHOW-ME STATE"] **centered on the bottom one-fourth of the plate, in bold, all capital letters, and with lettering identical to the lettering used for the word "MISSOURI" on the regular state license plate.** Such words shall be no smaller than forty-eight point type. Such plates shall be tiger yellow beginning at the top and bottom, with the color fading into white in the center. All numbers and letters shall be black. The left side shall contain a reproduction of the "Gadsen Snake" in black and white, with the snake to be three inches in height and two inches wide, and sitting on green grass that is two and one-quarter inches wide. Upon payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized plate. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

301.3165. I HAVE A DREAM SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any vehicle owner may apply for special "I HAVE A DREAM" motor vehicle license plates as prescribed by this section, for any vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight, after making an annual contribution of twenty-five dollars to the Martin Luther King Jr. state celebration commission fund. If the contribution is made directly to the Martin Luther King Jr. state celebration commission, the commission shall issue the individual making a contribution a receipt, verifying the contribution, that may be used to apply for the "I HAVE A DREAM" license plate described in this section. If the contribution is made directly to the director of revenue, the director shall note the contribution and the owner may then apply for the "I HAVE A DREAM" license plate. All contributions shall be credited to the Martin Luther King Jr. state celebration commission fund as established in subsection 4 of this section and shall be used for the sole purpose of funding appropriate activities for the recognition and celebration of Martin Luther King Jr. Day in Missouri.

2. Upon payment of a twenty-five dollar contribution to the Martin Luther King Jr. state celebration commission fund as described in subsection 1 of this section, the payment of a fifteen dollar fee in addition to regular registration fees, and the presentment of other documents which may be required by law, the director shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the Martin Luther King Jr. state celebration commission and the words "I HAVE A DREAM" at the bottom

of the plate in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. A vehicle owner who was previously issued a plate with words "I HAVE A DREAM" as authorized by this section but who does not present proof of payment of an annual twenty-five dollar contribution to the Martin Luther King Jr. state celebration commission fund at a subsequent time of registration shall be issued a new plate which does not bear the words "I HAVE A DREAM", as otherwise provided by law.

4. There is established in the state treasury the "Martin Luther King Jr. State Celebration Commission Fund". The state treasurer shall credit to and deposit in the fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section. The state treasurer shall be custodian of the fund. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the sole purpose of funding appropriate activities for the recognition and celebration of Martin Luther King Jr. Day in Missouri. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. The director shall consult with the Martin Luther King Jr. state celebration commission and the office of administration when formulating the design for the special license plate described in this section. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

301.4039. GO TEAM USA SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the United States Olympic Committee, may receive specialty personalized license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The United States Olympic Committee hereby authorizes the use of its official emblem to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. The twenty-five dollar emblem use contribution shall be split fifty percent to the Springfield Olympic community development program and fifty percent to the United States Olympic Committee. Any contribution to the United States Olympic Committee or the Springfield Olympic community development program derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the United States Olympic Committee or the Springfield Olympic community development program. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the United States Olympic Committee, the United States Olympic Committee shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the United States Olympic Committee, and the words "GO TEAM USA" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

3. A vehicle owner who was previously issued a plate with the United States Olympic Committee's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the United States Olympic Committee's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a United States Olympic Committee specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.4040. PROUD SUPPORTER (AMERICAN RED CROSS) SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, any person after an annual payment of an emblem-use fee to the American Red Cross Trust Fund, may receive specialty personalized license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The Missouri Chapter of the American Red Cross hereby authorizes the use of its official emblem to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the American Red Cross derived from this section, except reasonable administrative costs, shall be used solely for

the purposes of the American Red Cross. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Red Cross Trust Fund, the Missouri Chapter of the American Red Cross shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the Missouri Chapter of the American Red Cross, and the words "PROUD SUPPORTER" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

3. A vehicle owner who was previously issued a plate with the Missouri Chapter of the American Red Cross' emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Chapter of the American Red Cross' emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a Missouri Chapter of the American Red Cross specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.4042. PONY EXPRESS SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the Pony Express Museum in St. Joseph, may receive specialty personalized license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The Pony Express Museum will provide a logo to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the Pony

Express Museum derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Pony Express Museum. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Pony Express Museum, the museum shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the rider on horseback emblem, and the words "Pony Express" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

3. A vehicle owner who was previously issued a plate with the Pony Express Museum's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Pony Express Museum's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a Pony Express specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.4044. NATIONAL WILD TURKEY FEDERATION SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, any member of the National Wild Turkey Federation, after an annual payment of an emblem-use fee to the National Wild Turkey Federation, may receive specialty personalized license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The National Wild Turkey Federation hereby authorizes the use of its official emblem to be affixed on specialty personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any

contribution to the National Wild Turkey Federation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Wild Turkey Federation. Any member of the National Wild Turkey Federation may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the National Wild Turkey Federation, the National Wild Turkey Federation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the National Wild Turkey Federation, and the words National Wild Turkey Federation at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. A vehicle owner who was previously issued a plate with the National Wild Turkey Federation's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Wild Turkey Federation's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a National Wild Turkey Federation specialty personalized plate authorized under this section the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required.

301.4045. NATIONAL RIFLE ASSOCIATION SPECIAL LICENSE PLATE, APPLICATION, FEE.

— 1. Notwithstanding any other provision of law to the contrary, any member of the National Rifle Association, after an annual payment of an emblem-use fee to the National Rifle Association, may receive specialty personalized license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

The National Rifle Association hereby authorizes the use of its official emblem to be affixed on specialty personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Rifle Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Rifle Association. Any member of the National Rifle Association may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the National Rifle Association, the National Rifle Association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the National Rifle Association, and the words National Rifle Association at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. A vehicle owner who was previously issued a plate with the National Rifle Association's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Rifle Association's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a National Rifle Association specialty personalized plate authorized under this section the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required.

304.033. RECREATIONAL OFF-HIGHWAY VEHICLES, OPERATION ON HIGHWAYS PROHIBITED, EXCEPTIONS — OPERATION WITHIN STREAMS AND RIVERS PROHIBITED, EXCEPTIONS — LICENSE REQUIRED FOR OPERATION, EXCEPTION. — 1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway vehicle in a municipality unless such operation is authorized by such municipality as provided for in subdivision (5) of this subsection;

(4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;

(5) Governing bodies of cities may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(6) Governing bodies of counties may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon on a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

Approved July 6, 2012

HB 1818 [HCS HB 1818]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding property taxes

AN ACT to repeal sections 137.016 and 137.076, RSMo, and to enact in lieu thereof two new sections relating to residential property.

SECTION

A. Enacting clause.

- 137.016. Real property, subclasses of, defined — political subdivision may adjust operating levy to recoup revenue, when — reclassification to apply, when — placement of certain property within proper subclass, factors considered.
- 137.076. Valuation by assessor, factors to be considered.

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

SECTION A. ENACTING CLAUSE. — Sections 137.016 and 137.076, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 137.016 and 137.076, to read as follows:

137.016. REAL PROPERTY, SUBCLASSES OF, DEFINED — POLITICAL SUBDIVISION MAY ADJUST OPERATING LEVY TO RECOUP REVENUE, WHEN — RECLASSIFICATION TO APPLY, WHEN — PLACEMENT OF CERTAIN PROPERTY WITHIN PROPER SUBCLASS, FACTORS CONSIDERED. — 1. As used in section 4(b) of article X of the Missouri Constitution, the following terms mean:

(1) "Residential property", all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, [and] manufactured home parks, **and time-share units as defined in section 407.600, except to the extent such units are actually rented and subject to sales tax under subdivision (6) of subsection 1 of section 144.020**, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, "transient housing" means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to subdivision (6) of subsection 1 of section 144.020;

(2) "Agricultural and horticultural property", all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding, showing, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payments or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the National Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution. Agricultural and horticultural property shall also include any sawmill or planing mill defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421;

(3) "Utility, industrial, commercial, railroad and other real property", all real property used directly or indirectly, for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose, including all property centrally assessed by the state tax commission but shall not include floating docks, portions of which are separately owned and the remainder of which is designated for common ownership and in which no one person or business entity owns more than five individual units. All other real property not included in the property listed in subclasses (1) and (2) of section 4(b) of article X of the Missouri Constitution, as such property is defined in this section, shall be deemed to be included in the term "utility, industrial, commercial, railroad and other real property".

2. Pursuant to article X of the state constitution, any taxing district may adjust its operating levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant to article X, subsection 2 of section 6 of the constitution, as the result of changing the

classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the difference between the revenue that would have been collected on such property under its classification prior to enactment of this section and the amount to be collected under its classification under this section. The county assessor of each county or city not within a county shall provide information to each taxing district within its boundaries regarding the difference in assessed valuation of such property as the result of such change in classification.

3. All reclassification of property as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units shall apply to assessments made after December 31, 1994.

4. Where real property is used or held for use for more than one purpose and such uses result in different classifications, the county assessor shall allocate to each classification the percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section.

5. All real property which is vacant, unused, or held for future use; which is used for a private club, a not-for-profit or other nonexempt lodge, club, business, trade, service organization, or similar entity; or for which a determination as to its classification cannot be made under the definitions set out in subsection 1 of this section, shall be classified according to its immediate most suitable economic use, which use shall be determined after consideration of:

- (1) Immediate prior use, if any, of such property;
- (2) Location of such property;
- (3) Zoning classification of such property; except that, such zoning classification shall not be considered conclusive if, upon consideration of all factors, it is determined that such zoning classification does not reflect the immediate most suitable economic use of the property;
- (4) Other legal restrictions on the use of such property;
- (5) Availability of water, electricity, gas, sewers, street lighting, and other public services for such property;
- (6) Size of such property;
- (7) Access of such property to public thoroughfares; and
- (8) Any other factors relevant to a determination of the immediate most suitable economic use of such property.

6. All lands classified as forest croplands shall not, for taxation purposes, be classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in section 4(b) of article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution.

137.076. VALUATION BY ASSESSOR, FACTORS TO BE CONSIDERED. — In establishing the value of a parcel of real property the county assessor shall consider **current market conditions** and previous decisions of the county board of equalization, the state tax commission or a court of competent jurisdiction that affected the value of such parcel. **For purposes of this section, the term "current market conditions", shall include the impact upon the housing market of foreclosures and bank sales.**

Approved July 5, 2012

HB 1820 [SS SCS HB 1820]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes the Governor to convey specified state properties

AN ACT to authorize the conveyance of certain state properties, with an emergency clause.

SECTION

1. Conveyance of state property located at the Boonville Correctional Center to the Diocese of Jefferson City.
2. Conveyance of the Office of Administration Garage and Simpson Building in Jefferson City.
3. Perpetual drainage easement authorized at Jefferson Barracks to the United States Department of Public Affairs in St. Louis.
4. Conveyance of state property in St. Joseph to the St. Joseph School District.
5. Conveyance of state property located at the Department of Mental Health, Northwest Habilitation Center in St. Louis County.
6. Vacates an easement between the state and the City of Sedalia and grants a new easement for a fire station and entrance in the City of Sedalia.
7. Conveyance of state property in the City of Frankford to the State Highways and Transportation Commission.
8. Conveyance of state property in the City of Macon to the State Highways and Transportation Commission.
9. Conveyance of state property located at the City of Maysville to the State Highways and Transportation Commission.
10. Conveyance of state property located in the City of Blue Springs to the State Highways and Transportation Commission.
11. Conveyance of state property located in the City of Holden to the State Highways and Transportation Commission.
12. Conveyance of state property located in the City of Willow Springs to the State Highways and Transportation Commission.
13. Conveyance of state property located in the City of Wasola to the State Highways and Transportation Commission.
14. Conveyance of state property located in the City of Buffalo to the State Highways and Transportation Commission.
15. Conveyance of state property located in Appleton City to the State Highways and Transportation Commission.
16. Conveyance of state property located in the City of Mehlville to the State Highways and Transportation Commission.
17. Conveyance of state property located in the City of Rich Hill to the State Highways and Transportation Commission.
18. Releases all interest of the State in an easement located near the Chouteau State Owned Office Building in the City of St. Louis.
19. Vacates an easement between the State and the City of Jefferson for property located at the Jefferson City Memorial Airport.
20. Conveyance of state property located in the City of St. Louis to the Special Administrative Board of the Transitional School District of the City of St. Louis.
21. Conveyance of state property located at the Farmington Correctional Center.
22. Conveyance of state property located in Farmington.
 - A. Emergency clause.

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

SECTION 1. CONVEYANCE OF STATE PROPERTY LOCATED AT THE BOONVILLE CORRECTIONAL CENTER TO THE DIOCESE OF JEFFERSON CITY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to The Diocese of Jefferson City all interest of the state of Missouri in property located at the Boonville Correctional Center in Boonville, Cooper County, Missouri, described as follows:

Starting at the northwest corner of Section 36, T49N, R17W; thence S1°-44'-45"W, along the west line of said Section, 737.17 feet to the westerly extension of the north line of a 3.48 acre tract shown by a survey recorded in Survey Book 8, Page 199; thence, leaving said Section Line, N89°-48'-30"E, along said line and its extension, 1327.32 feet to the northeast corner of said 3.48 acre tract; thence S1°-55'-30"W, along the east line of said tract, 503.53 feet to the northwest corner of a 4.5 acre tract described by a Warranty Deed recorded in Book 361, Page 747; thence N87°-39'-30"E, along the north line of said 4.5 acre tract and on a direct line towards the northwest corner of the 1966 Addition to the Catholic Cemetery as shown by a survey recorded in Plat Book C, Page 65, a distance of 383.46 feet to the northeast corner of said 4.5 acre tract on the west line of a strip of land, 49.5 feet wide as shown by exhibit "A" of an easement recorded in Book 303, Page 675, and being the point of beginning.

From the point of beginning, continuing N87°-39'-30"E 49.64 feet to the northwest corner of said Cemetery Addition; thence S1°-55'-30"W, along said addition, 327.00 feet to the southwest corner thereof; thence, continuing S1°-55'-30"W 138.98 feet to the north line of Locust Street having a 30 foot right-of-way width from centerline, as established per General Warranty Deed recorded in Book 158, Page 753, on a curve having a radius of 1939.86 feet; thence, along said right-of-way line and said curve to the left, 43.08 feet (a chord S80°-59'-50"W 43.08 feet) to the PC Station of said curve; thence S80°-21'-40"W, along said right-of-way line, 7.35 feet to the east line of said 4.5 acre tract; thence N1°-55'-30"E, along last said east line, 471.92 feet to the point of beginning and containing 0.533 acre.

This entire tract is subject to a gas easement, 49.5 feet wide as recorded in Book 303, Page 675, and to other easements and restrictions of record.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.
3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 2. CONVEYANCE OF THE OFFICE OF ADMINISTRATION GARAGE AND SIMPSON BUILDING IN JEFFERSON CITY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property known as the Office of Administration Garage and Simpson Building, located at the 705 and 709 Missouri Blvd., Jefferson City, Cole County, Missouri, described as follows:

A part of the NE 1/4 of the SE 1/4 and part of the SE 1/4 of the NE 1/4 of Section 12, T 44 N, R 12 W. Also a part of Lots 2, 3, 5, 6, 7, 8, 9, 10 and 11 of Flick's Subdivision and a part of Flick's Street (vacated) all in the City of Jefferson, Missouri, more particularly described as follows:

A tract of land described as beginning at a point on the right or west right of way line of U .S. Highway Route 54, said point being 80 feet right or west of and at right angles to the centerline of said Route 54 opposite Station 23+79; thence in a southerly direction parallel to said centerline, a centerline distance of 194 feet to a point opposite Station 25+73; thence in a southwesterly direction on a direct line to a point, said point being 30 feet left or west of and at right angles to the

centerline of Ramp 2 of said Route 54 opposite Station 6+07.10; thence in a southwesterly direction on a direct line to a point, said point being 25 feet left or west of and at right angles to the centerline of said Ramp 2 opposite Station 5+50; thence in a westerly direction on a direct line to a point, said point being 20 feet left or north of and at right angles to said centerline opposite Station 5+00; thence in a northwesterly direction parallel to said centerline to a point opposite Station 1+08; thence in a northeasterly direction on a direct line to a point, said point being 55 feet left or east of and at right angles to said centerline opposite Station 0+70; thence in an easterly direction on a direct line to a point, said point being 55 feet left or south of and at right angles to the centerline of Missouri Boulevard opposite Missouri Boulevard Station 20+00; thence in an easterly direction on a direct line to the point of beginning. Containing 1.6 acres, more or less.

The centerline of said Route 54 is described as follows: From an iron pin at the northwest corner of Lot 1 of Outlot No. 3; thence N 14° 54' 21" W, 1,242 .72 feet to a point on the centerline of said Route 54 at Station 33+00; thence N 5° 57' 19" E, 387 .77 feet; thence on 1° 15' curve to the left, 339 .23 feet, to Station 25+73 the point of beginning; thence continuing on said 1° 15' curve to the left, 159.44 feet; thence N 0° 16' 42" W, 74.56 feet to Station 23+39.

The centerline of Missouri Boulevard is described as follows: From an iron pin at the northwest corner of Lot 1 of Outlot No. 3; thence N 14° 54' 21" W, 1,242 .72 feet to a point on the centerline of said Route 54 at Station 33+00; thence N 5° 57' 19" E, 89 .61 feet; thence N 84° 02' 41" W, 39 feet to a point on the centerline of Ramp 1 of said Route 54 at Station 10+02.33; thence on a 12° curve to the left, (said curve being tangent to a line bearing N 5° 57' 19" E) 447.34 feet; thence N 47° 43' 35" W, 115 .9 feet; thence on a 24° curve to the right, 212.30 feet; thence N 3° 13' 34" E, 226.79 feet to Station 0+00 Ramp 1 = Station 21+47.61 Missouri Boulevard; thence S 86° 46' 26" E, 46 feet to Station 21+01 .61 Missouri Boulevard = Station 0+00 Ramp 2 ; thence continuing S 86° 46' 26" E, 101 .61 feet to Station 20+00.

The centerline of Ramp 2 is described as follows: From Station 21+01.61 Missouri Boulevard = Station 0+00 Ramp 2 (as described above); thence S 3° 13' 34" W, 70 feet to Station 0+70 the point of beginning; thence continuing S 3° 13' 34" W, 128 feet; thence on a 28° 38' 52" curve to the left, 153 .27 feet; thence on a 38° 11' 50 " curve to the left, 255 .83 feet to Station 6+07.10.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 3. PERPETUAL DRAINAGE EASEMENT AUTHORIZED AT JEFFERSON BARRACKS TO THE UNITED STATES DEPARTMENT OF PUBLIC AFFAIRS IN ST. LOUIS. — 1. The governor is hereby authorized and empowered to grant a perpetual drainage easement located at Jefferson Barracks to the United States Department of Public Affairs, St. Louis County, Missouri described as follows:

A tract of land being part of that parcel conveyed to Missouri Air National Guard by Deed recorded in Book 02667, Page 0367 of the St. Louis County

Records, situated in U.S Survey 3341, Township 44 North, Range 6 East of the 5th Principal Meridian, St. Louis County, Missouri, being more particularly described as follows:

Commencing at a fence post found at the Southwest corner of said parcel, said point also being the southeast corner of Lot 15 of Sylvan Springs Addition No. 3, as shown on plat recorded in Plat Book 62 Page 37, situated in U.S Survey 3341, Township 44 North, Range 6 East of the 5th Principal Meridian, St. Louis County, Missouri; thence South 87° 51' 25" East a distance of 896.01 feet along the Southern line of said parcel to the True Point of Beginning; thence North 03° 52' 19" East a distance of 21.00 feet to a point; thence South 87° 51' 25" East a distance of 10.00 feet to a point; thence South 03° 52' 19" West a distance of 21.00 feet to a point on the Southern line of said parcel; thence North 87° 51' 25" West a distance of 10.00 feet along the Southern line of said parcel to the Point of Beginning.

Said parcel contains 210 square feet, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 4. CONVEYANCE OF STATE PROPERTY IN ST. JOSEPH TO THE ST. JOSEPH SCHOOL DISTRICT. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest and reversionary rights of the state of Missouri in a tract of land in St. Joseph, Buchanan County, Missouri, to the State Joseph School District described as follows:

A tract of land in the Southeast Quarter of Section 10, Township 57 North, Range 35 West, Buchanan County, Missouri, described as follows: Beginning at the intersection of the West line of 36th Street and the South line of Faraon Street in the City of St. Joseph, Missouri, said point being 85 feet West and 110 feet South of the Northeast corner of said Quarter Section; thence West along the South line of said Faraon Street 1350 feet; thence South on a line parallel with the East line of said Quarter Section 1000 feet; thence East on a line parallel with the North line of said Quarter Section 1050 feet; thence North on a line parallel with the East line of said Quarter Section 100 feet; thence East on a line parallel with the North line of said Quarter Section 300 feet to the West line of 36th Street; thence North along said West line 900 feet to the point of beginning, containing 30.3 Acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 5. CONVEYANCE OF STATE PROPERTY LOCATED AT THE DEPARTMENT OF MENTAL HEALTH, NORTHWEST HABILITATION CENTER IN ST. LOUIS COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located

at the Department of Mental Health, Northwest Habilitation Center, 11 Brady Circle, St. Louis County, described as follows:

Part of Lot 4 of MAGDALENA LINK FARM SUBDIVISION in Section 25, Township 46 North, Range 5 East, according to plat thereof recorded in Book 468 page 1 of the St. Louis City (former County) records and described as follows:

Beginning at an old stone set at the northeasterly corner of Lot 4 of said Subdivision; thence South 49 degrees 31 minutes 00 seconds West along the northwesterly line of Lot 10 of Midland Ridge (Plat Book 112, page 96) and Lot 1 of Midland Place (Plat Book 180, page 98) a distance of 430.36 feet to a point on the northerly right-of-way line of Midland Boulevard (100 feet wide) said point bearing South 49 degrees 31 minutes 00 seconds West a distance of 0.34 feet from an old iron pipe; thence North 60 degrees 43 minutes 54 seconds West along the northerly right-of-way line of Midland Boulevard (100 feet wide) a distance of 436.44 feet to a point of curve; thence along said northerly right-of-way line on a curve to the right having a radius of 1860.10 feet, through a central angle of 13 degrees 31 minutes 15 seconds, an arc distance of 438.95 feet to a point on the Southeasterly right-of-way line of Link Road (original width of 30 feet); thence North 40 degrees 08 minutes 32 seconds East along said Southeasterly right-of-way line a distance of 586.02 feet to an old iron axle (marking the location of a disturbed old stone which bears South 41 degrees 03 minutes East, a distance of 0.98 feet; thence South 46 degrees 56 minutes 28 seconds East along the Southwesterly line of Lots 7, 8 and 9 of Van Cleve Terrace (Plat Book 63, page 31) a distance of 936.73 feet to the point of beginning, according to a boundary survey made by EA, Inc. during September, 1981.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 6. VACATES AN EASEMENT BETWEEN THE STATE AND THE CITY OF SEDALIA AND GRANTS A NEW EASEMENT FOR A FIRE STATION AND ENTRANCE IN THE CITY OF SEDALIA. — 1. The governor is hereby authorized and empowered to vacate the existing one acre easement made on May 25, 1971, between the state and the City of Sedalia, Missouri, located at 2600 West 16th Street, and is hereby authorized and empowered to grant to the City of Sedalia, Missouri, an easement to construct, reconstruct, alter, replace, maintain, and operate a fire station and an entrance thereto on and over certain state owned property more particularly described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 45 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, PETTIS COUNTY, MISSOURI; THENCE N 86°29'52"W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 939 FEET TO THE POINT OF BEGINNING OF THE PARCEL CONVEYED TO THE STATE OF MISSOURI IN VOLUME 289 AT PAGE 242 IN THE PETTIS COUNTY RECORDERS OFFICE, AND AS SHOWN ON A SURVEY IN PLAT CABINET B AT PAGE 775 TO THE POINT OF BEGINNING; THENCE CONTINUING N 86°29'52"W ALONG SAID SOUTH LINE, 323 FEET TO THE EASTERLY RIGHT OF WAY OF

THE MISSOURI PACIFIC RAILROAD COMPANY DESCRIBED IN VOLUME 140 AT PAGE 298, AND AS SHOWN ON SAID SURVEY IN PLAT CABINET B AT PAGE 775; THENCE N 2°24'46"E ALONG SAID RIGHT OF WAY, 387.32 FEET; THENCE S 87°36'42"E, 323 FEET TO THE EAST LINE OF SAID VOLUME 289 AT PAGE 242; THENCE S 2°24'41"W ALONG SAID EAST LINE, 393.60 FEET TO THE POINT OF BEGINNING, CONTAINING 2.9 ACRES, MORE OR LESS, RESERVING TO THE STATE OF MISSOURI INGRESS AND EGRESS TO THE NORTH 2.1 ACRES MORE OR LESS OF THE PARCEL DESCRIBED IN VOLUME 289 AT PAGE 242.

EXCEPTING THEREFROM THE RIGHT OF WAY FOR HIGHWAY Y AS SHOWN ON SAID SURVEY IN PLAT CABINET B AT PAGE 775, AND THE MISSOURI DEPARTMENT OF TRANSPORTATIONS PLANS FOR STATE HIGHWAY Y.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 7. CONVEYANCE OF STATE PROPERTY IN THE CITY OF FRANKFORD TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located at the City of Frankford, Pike County, to the State Highways and Transportation Commission described as follows:

Tract 1

All of an irregular strip of ground lying adjacent to the West Right of Way line of a State Highway known as Route #9 Section 257-D Pike County, Missouri. Said strip of land being located in a part of the NE¼ Section 2 (T. 54 N.R. 4 W.) Pike County, Missouri and is more fully described as follows:

Beginning at a point measured South along the West line of the NE¼ NE¼ said Section 2 a distance of 684 feet from the Northwest corner of said NE¼ NE¼ Section 2, said point lying westerly and opposite Station 868+50 on the Centerline of said Route #9 Section 257-D and which point is 120 feet measured South from the center of a public road known as the Frankford to Louisiana public road. Thence run South along the middle line of said NE¼ Section 2 a distance of 1124 feet to the South line of the property of said J.O. Smith which point is approximately 832 feet measured in a North direction along the middle line of the said NE¼ Section 2 from the SW corner of the SE¼ NE¼ said Section 2. Thence run East on a line parallel to the North line of said Section 2 to intersect the West Right of Way Line of said State Highway known as Route #9 Section 257-D Pike County, Missouri. Thence run in a Northerly and Westerly direction with the West Right of Way line of said State Highway known as Route #9 Section 257-D Pike County, Missouri, as located by the Engineers of the State Highway Department of Missouri a distance of 1287 feet to the point of beginning.

Herein above described tract of land contains 7.1 acres more or less.

Tract 2

A certain strip of Right of Way for a State Highway which lies on the right and left sides and adjacent to the centerline of a certain set of road plans known as Route 9 Pike County, Missouri and which land is located in a part of NE $\frac{1}{4}$ Section 2 (T. 54 N. R. 4 W.) and is more particularly described as follows:

Beginning at a point approximately 690 feet south of the NW corner of NE $\frac{1}{4}$ NE $\frac{1}{4}$ said section 2. Thence South 29 deg. 24 Min. E. a distance of 465.5 feet. Thence on the arc of a curve to the right in a southeasterly direction whose radius is 915.4 feet a distance of 664.4 feet. Thence south 10 deg. 28 Min. West 60 feet, thence on the arc of a curve to the left in a southerly direction whose radius is 1313.6 feet a distance of 80 feet to intersect the property line between O. Smith and R. G. Haden. Thence east on said property line 85 feet, thence on the arc of a curve to the right in a northerly direction whose radius is 1233.6 feet a distance of 68 feet. Thence north 10 deg. 28 Min. east 57.9 feet. Thence on the arc of a curve to the left whose radius is 995.4 feet a distance of 664.4 feet. Thence north 29 deg. 24 Min. West 470.5 feet. Thence on the arc of a curve to the right in a northeasterly direction whose radius is 35 feet, a distance of 65 feet to a point on the south line of the Frankford and Louisiana Public road, thence north to the center of said public road, thence west with center of said public road to intersect the west line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ said section 2. Thence south on said $\frac{1}{4}$ $\frac{1}{4}$ section line, 123 feet to the point of beginning.

Herein above described tract of land contains 2.4 acres more or less of new Right of Way to be acquired.

Tract 3

A certain strip of Right of Way for a State Highway which lies on the right and left sides and adjacent to the centerline of a certain set of road plans known as Route 9, Jones Station Bowling Green, Pike County, Missouri and which land is located in part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2 (T. 54 N. R. 4 W.) Pike County, Missouri, and which land is more particularly described as follows:

Beginning at a point, which point is approximately 610 feet south of the NW corner of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2 (T. 54 N. R. 4 W.) thence south on the $\frac{1}{4}$ $\frac{1}{4}$ Section line which line is the west boundary line of NE $\frac{1}{4}$ NE $\frac{1}{4}$ said section 2 a distance of 85 feet, thence north 29 deg. 24 Min. west a distance of 53 feet thence on the centerline of a curve to the left in a northwesterly direction whose radius is 105 feet, a distance of 117 feet to a point on the east line of the Frankford and Louisiana public road thence north to center of said public road thence east with the center of said Frankford and Louisiana public road, a distance of 115 feet to intersect the east line NW $\frac{1}{4}$ NE $\frac{1}{4}$ said section 2, thence south 35 feet to the point of beginning.

Herein above described tract of land contains 2/10 acres more or less new right of Way to be obtained.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may

include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 8. CONVEYANCE OF STATE PROPERTY IN THE CITY OF MACON TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located at the City of Macon, Macon County, to the State Highways and Transportation Commission described as follows:

Tract 1

All of lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), and Twenty-three (23) of Block Four (4) of the Kenwood Addition to the City of Macon, Missouri, except that part heretofore conveyed to the State of Missouri for use of the State Highway Commission of Missouri, as right-of-way, and more fully described as follows:

Beginning at a point on the center line of Maple Street 25 feet west of and 22.5 feet south of the southeast corner of said Block Four (4), thence west along the center line of said Maple Street for a distance of 98.1 feet to a point on the north right-of-way line of Route US 63, thence north $71^{\circ} 46'$ West along the said right-of-way line for a distance of 174.5 feet to the P.C. of a curve to the right having a radius of 491.7 feet, thence in a northwesterly direction around the above described curve for a distance of 68.9 feet to the point of intersection of the said right-of-way line and the center line of Madison Street, thence north along the center line of said Madison Street for a distance of 270.7 feet to a point on the center line of Chestnut Street, thence east along the center line of said Chestnut Street for a distance of 343.7 feet to a point, thence south along the east line of said Block Four (4) for a distance of 213.2 feet to the northeast corner of lot Seventeen (17) of said Block Four (4), thence west along the north line of said lot Seventeen (17) for a distance of 25 feet to the northwest corner of said lot Seventeen (17), thence south along the west line of said lot Seventeen (17) for a distance of 147.5 feet to the point of beginning, and containing in all 2.39 acres more or less.

Tract 2

Lying in Lot Six (6) of Block One (1), of the Kenwood Addition to the City of Macon, Missouri and described as follows:

Beginning at a point 22.5 feet North of and 30 feet East of the Northeast Corner of said Block One (1), thence West along the Center Line of McKay Street for a distance of 137 feet to a point on the East right-of-way line of U.S. Route 63, thence in a Southeasterly direction along the said right-of-way line for a distance of 153 feet to the South Line of said Lot Six (6), thence East along said South Line of said Lot Six (6) for a distance of 22 feet to a point on the Center Line of Madison Street, thence North along the Center Line of said Madison Street for a distance of 87.2 feet to the point of beginning, and containing 0.13 acre more or less.

Tract 3

All of that part of Lots 1 and 2 lying East of Federal Highway #63 and all of Lots 9 and 10, all in Block 2 of Kenwood Addition to the town of Macon, Missouri and more specifically described as follows:

Beginning at a point 22-1/2 feet South of and 30 feet East of the Southeast Corner of said Block 2 of Kenwood Addition to the town of Macon, Missouri, thence North for a distance of 140.5 feet to a point, thence West for a distance of 227.5 feet to a point on the East right-of-way line of Federal Highway #63, thence in a Southeasterly direction along the said East right-of-way line of said Federal Highway #63 for a distance of 172 feet to a point, thence East for a distance of 131.8 feet to the point of beginning and containing 0.6 acre more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 9. CONVEYANCE OF STATE PROPERTY LOCATED AT THE CITY OF MAYSVILLE TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located at the City of Maysville, DeKalb County, to the State Highways and Transportation Commission described as follows:

Beginning at a point of intersection of the north right of way line of State Highway Route 6 and Grantor's east property line, said point being one thousand seventy-six and forty-six hundredths (1076.46) feet east of and one thousand one hundred sixty-four and thirty-six hundredths (1164.36) feet south of the northwest corner of Section 35, Township 59, north, Range 31 west, from said point of beginning, thence north two hundred twelve and sixty-five hundredths (212.65) feet, thence west one hundred eighty (180) feet, thence south two hundred sixty-nine and eighty-nine hundredths (269.89) feet to said north right of way line of State Highway Route 6, thence easterly along said right of way line to the point of beginning, and containing one (1.0) acre.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 10. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF BLUE SPRINGS TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located in the City of Blue Springs, Jackson County, to the State Highways and Transportation Commission described as follows:

Two strips of land herein designated A and B, said strips are to be used as right-of-way for the construction of an additional traffic lane for east bound travel on

a highway designated Route US 40, as located and established by the State Highway Commission of Missouri, and are more fully described as follows:

Tract 1

Strip A, is a strip of land 65 feet in width and 1,360 feet in length the northerly boundary line of which is the center line of said proposed traffic lane and included between Stations 736+22 and 749+82 of a survey of said center line.

Station 736+22 on said center line is located as follows: Beginning at the SW Corner of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 1, T48N, R31W; thence North 0 degrees 33 minutes west a distance of 903 feet to a point; thence North 89 degrees 59 minutes east a distance of 123.8 feet to the P.C. of a 1 degree curve to the left, said curve having an interior angle of 13 degrees 30 minutes; thence northeasterly along said curve a distance of 1215.2 feet to said Station 736+22 and from said Station the center line of said traffic lane continues northeasterly along said curve a distance of 134.8 feet to the P.T. of said curve; thence North 76 degrees 29 minutes east a distance of 572.1 feet to the P.C. of a 1 degree curve to the right; said curve having an interior angle of 12 degrees 40 minutes; thence northeasterly along said curve a distance of 653.1 feet to Station 749+82.

Strip B, is enclosed by the following described boundary lines: Beginning at Station 749+82 on the center line of said traffic lane; thence North along the east line of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 1, T48N, R31W; a distance of 56 feet to the south line of the right-of-way as heretofore secured for the original Route US 40; thence west along said right-of-way line a distance of 1333 feet, more or less, to a point on the west line of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Sec. 1; thence south along said line a distance of 315 feet, more or less, to Station 736+22 on the center line of said traffic lane; thence northeasterly along said center line as above described, the distance of 1,360 feet to the point of beginning at Station 749+88.

The above described strips of land contain 7.42 acres lying, situate and being in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, T48N, R31W.

All as shown on approved plans now on file in the office of the County Clerk of Jackson County, Missouri.

Tract 2

A tract or parcel of land to be used as right-of-way for the construction of an additional traffic lane for east bound travel on a highway designated Route US 40, as located and established by the State Highway Commission of Missouri; said strip is located and described as follows: Beginning at the SW Corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, T48N, R31W; thence North 0 degrees 33 minutes west a distance of 903 feet to a point; thence North 89 degrees 59 minutes east a distance of 123.8 feet to the P.C. of a 1 degree curve to the left, said curve having an interior angle of 13 degrees 30 minutes; thence northeasterly along said curve a distance of 540.7 feet to the true point of beginning at Survey Station 729+47.5 on the center line of said proposed traffic lane; thence south along the west line of grantors premises and in the center of an old road, a distance of 80 feet to a point; thence in a northeasterly direction by a curve to the left having a radius of 5,809.65 feet, paralleling and 80 feet southerly from the center line of said traffic lane, a distance of 286 feet to a point opposite Station 732+25; thence in a

northeasterly direction on a straight line a distance of 30 feet to a point opposite and 65 feet southerly from Station 732+50; thence northeasterly curving to the left with a radius of 5794.65 feet, paralleling and 65 feet southerly from said center line a distance of 357 feet to a point on the east line of grantors premises; thence north along said line a distance of 66 feet to Station 735+22 on the center line of said traffic lane; thence continuing north along said property line a distance of 315 feet, more or less, to the south line of the right-of-way as heretofore secured for the original Route US 40; thence west along said line a distance of 660 feet, more or less, to the Northwest Corner of grantors premises; thence south along the west line of grantors property and in the center of an old road a distance of 410 feet to the said true point of beginning.

Also, a strip of land to be used as right-of-way for a road approach and described as follows: Beginning at Station 729+47.5 on the center line of the above described traffic lane; thence south 0 degrees 37 minutes east a distance of 80 feet to the true point of beginning on the southerly line of the tract first described above and at Station 0+54.4 on the center line of a survey of said road approach; thence continuing south 0 degrees 37 minutes east a distance of 445.6 feet to a point; thence east 40 feet to a point; thence North 0 degrees 37 minutes West paralleling and 40 feet east of the center line of said approach a distance of 275 feet to a point opposite Station 2+25; thence northerly a distance of 50 feet, more or less, to a point 45 feet east of Station 1+75; thence North 0 degrees 37 minutes West a distance of 120.6 feet to the southerly line of the tract first described above; thence westerly along said line a distance of 45 feet to the said true point of beginning.

The above described land for right-of-way contains 0.65 of an acre in an old road and 6.47 acres is additional land from grantors herein, lying, situate and being in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, T48N, R31W.

All as shown on approved plans now on file in the office of the County Clerk of Jackson County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 11. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF HOLDEN TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located in the City of Holden, Johnson County, to the State Highways and Transportation Commission described as follows:

Beginning at the point of intersection of the South right-of-way line of State Highway Route 58 with the North-South centerline of Section 14, Township 45 North, Range 28 West, in the City of Holden, Johnson County, Missouri; thence west along the south right-of-way line of said Route 58 a distance of 475.19 feet to an angle point; thence on an angle of 90°, south 435.2 feet to the true point of beginning of the tract to be described; thence east 300.27 feet; thence south 105 feet; thence westerly along a straight line to a point 80 feet south of the said true

point of beginning; thence north 80 feet to the beginning. Said tract contains 0.64 of an acre of land.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 12. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF WILLOW SPRINGS TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located in the City of Willow Springs, Howell County, to the State Highways and Transportation Commission described as follows:

Tract 1

All that part of the North half of the southwest quarter of the southeast quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 19, Township 27 North, Range 9 West

Described as follows:

Beginning at a point 10 rods north and 16 rods east of the southwest corner of the north half of the southwest quarter of the southeast quarter of said Section 19; thence run north 292 feet; thence east 100 feet; thence south 292 feet; thence west 100 feet to the place of beginning. Containing 0.68 acres, more or less.

Tract 2

The South 292 feet of that part of the North half of the southwest quarter of the southeast quarter (S 292' N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 19, Township 27 North, Range 9 West. As described in a deed executed on the 22nd day of December, 1922, and recorded in Book 179 at Page 330, records of Howell County, and more particularly described as follows:

Beginning 10 rods north of the southwest corner of the north half of the southwest quarter of the southeast quarter of said Section 19; thence run north 292 feet; thence east 264 feet; thence south 292 feet; thence west 264 feet to the place of beginning. Containing 1.77 acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 13. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF WASOLA TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located in the City of Wasola, Ozark County, to the State Highways and Transportation Commission described as follows:

A parcel of land lying adjacent to and on the southerly side of the southerly right of way line of Route 95 as it is now located and established over and across the west half of Lot One of the Northwest quarter of Section 2, Township 24 North, Range 15 West. Said parcel being more particularly described as follows:

Beginning at a point on said southerly line opposite Sta. 17+03; said point being on the east boundary of said tract distant 485 feet south of the northeast corner thereof; thence south along said east boundary 200 feet; thence west 293 feet; thence north 170 feet to a point on said southerly line opposite Sta. 20+12; thence easterly along said southerly line to the place of beginning. The above described parcel has an area of 1.36 acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 14. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF BUFFALO TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located in the City of Buffalo, Dallas County, to the State Highways and Transportation Commission described as follows:

That part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, Township 34N, Range 20W situated, bounded and described as follows:

Commencing at the northeast corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, Township 34N, Range 20W thence South 662.7 feet, more or less, West 40 feet to the right of West right of way line of U.S. Route 65, opposite survey station 930+51.7 of the survey for said Route for a beginning, thence S 1° 28'W on said West right of way line a distance of 149.7 feet, thence N 88° 52'W a distance of 291 feet, thence N 1° 28'E a distance of 149.7 feet, thence S 88° 52'E a distance of 291 feet to the beginning point containing 1.00 acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 15. CONVEYANCE OF STATE PROPERTY LOCATED IN APPLETON CITY TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located in Appleton, St. Clair County, to the State Highways and Transportation Commission described as follows:

All of Lot nine (9) in Block three (3), of Grantley's Addition to Appleton City, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may

include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 16. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF MEHLVILLE TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located in the City of Mehlville, St. Louis County, to the State Highways and Transportation Commission described as follows:

Tracts or parcels of land, lying, being and situate in the County of St. Louis and in the State of Missouri, to wit: lying in block 69 of Carondelet Commons, South of River Des Peres, in U.S. Survey 3102, township 44 North range 6 East, St. Louis County, Missouri; BEGINNING at station 20+02.31 on the centerline of state highway 77TR, where said centerline crosses the grantors northwest property line, being also the line dividing the property now or formerly of R.J. Riviere on the Northwest and Ernest and Arthur Dohack on the southeast, distant North 35° 56 minutes East 28.62 feet from a stone set in said line in the Southwest line of Sappington Barracks Road, or Lindbergh Boulevard, 60 feet wide, thence following the centerline of said state highway South 62° 16 minutes East 808.31 feet to station 28+10.62, where said centerline crosses the Southeast line of block 70 of said Carondelet Commons, North 35° 46 minutes East 119.87 feet from the most Eastern Corner of said block 69. This Deed is to convey all the grantors' land lying within the grantors' Northeast property line and a line 100 feet perpendicular distance Southwest of and parallel to the centerline of said state highway from the grantors' Northwest property line to a point where said 100 foot line will intersect grantor's Northeast property line opposite approximate station 27+30, containing thirty-eight (0.38) hundredths of an acre, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 17. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF RICH HILL TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located in the City of Rich Hill, Bates County, to the State Highways and Transportation Commission described as follows:

All of a tract of land lying in the southeast corner of the northeast quarter of the southeast quarter of Section 5, in Township 38 North of Range 31 West, more particularly described as follows: Beginning 30.0 feet west of the southeast corner of the northeast quarter of the southeast quarter of Section 5, and running thence west 250.0 feet; thence north 175.0 feet; thence east 250.0 feet, and thence south 175.0 feet to the place of beginning, containing one (1) acre, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may

include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 18. RELEASES ALL INTEREST OF THE STATE IN AN EASEMENT LOCATED NEAR THE CHOUTEAU STATE OWNED OFFICE BUILDING IN THE CITY OF ST. LOUIS. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release all interest of the state of Missouri in an easement located near the Chouteau State Owned Office Building, in the City of St. Louis, described as follows:

Ingress/Egress Easement Vacation

Book 1696M, Page 2270

A tract of land being part of Lots 2 and 4 of Chouteau-Compton Subdivision No. 3, a subdivision according to the plat thereof as recorded in Plat Book 12242003, Page 132 of the City of St. Louis Records, being more particularly described as follows:

Beginning at the southeastern corner of above said Lot 4, said point also being the southwestern corner of Lot 2, said point also being located on the northern right-of-way line of Chouteau Avenue, 80 feet wide; thence along said right-of-way line, North 75 degrees 00 minutes 00 seconds West, 25.32 feet to the western line of an Ingress/Egress Easement as established by instrument recorded in Book 1696M, Page 2270; thence departing last said right-of-way line along said western line the following courses and distances: North 15 degrees 32 minutes 58 seconds East, 78.61 feet to a point on a non-tangent curve to the right having a radius of 75.51 feet; along said curve with an arc length of 47.00 feet, and a chord which bears North 44 degrees 16 minutes 16 seconds East, 46.24 feet; North 59 degrees 59 minutes 10 seconds East, 53.47 feet to a point on a non-tangent curve to the left having a radius of 81.83 feet; thence along said curve with an arc length of 57.03 feet, and a chord which bears North 36 degrees 21 minutes 43 seconds East, 55.88 feet to a point of tangency and North 16 degrees 23 minutes 52 seconds East, 21.30 feet to the northern line of above said Lot 4; thence along said north line South 75 degrees 00 minutes 00 seconds East, 12.52 feet to the northeastern corner of above said Lot 4, said point also being the northwestern corner of above said Lot 2; thence along the northern line of said Lot 2, South 75 degrees 00 minutes 00 seconds East, 11.21 feet to the northeastern corner of above said Ingress/Egress Easement; thence along the eastern line of said Ingress/Egress Easement the following courses and distances: South 14 degrees 42 minutes 17 seconds West, 25.31 feet to a point on a non-tangent curve to the right having a radius of 80.19 feet; along said curve with an arc length of 66.36 feet, and a chord which bears South 36 degrees 23 minutes 48 seconds West, 64.48 feet; South 60 degrees 06 minutes 17 seconds West, 45.35 feet to a point on a non-tangent curve to the left having a radius of 63.36 feet; along said curve with an arc length of 42.86 feet, and a chord which bears South 34 degrees 36 minutes 23 seconds West, 42.05 feet to a point of tangency and South 15 degrees 13 minutes 43 seconds West, 73.14 feet to the northern right-of-way line of above said Chouteau Avenue; thence along said northern right-of-way line, North 75 degrees 00 minutes 00 seconds West, 10.53 feet to the Point of Beginning and containing 7,348 square feet or 0.168 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc on March 15, 2012.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 19. VACATES AN EASEMENT BETWEEN THE STATE AND THE CITY OF JEFFERSON FOR PROPERTY LOCATED AT THE JEFFERSON CITY MEMORIAL AIRPORT. — 1. Subject to resolution of issues pertaining to location of the taxiway, aviation parking and access, for the Missouri National Guard aviation facility at the Jefferson City Memorial Airport, the governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to the City of Jefferson all interest of the state of Missouri in property located at the Jefferson City Memorial Airport in Callaway County, Missouri, described as follows:

An easement described in Jefferson City Ordinance No. 8718 and recorded in book 232, page 299 of the Callaway County, Missouri Recorder's office:

Said easement being part of New Madrid Private Survey No. 2638, Callaway County, Missouri, is more particularly described as follows:

From the northeast corner of said New Madrid Private Survey No. 2638; thence south 4 degrees 10 minutes east along the east line of said New Madrid Private Survey No. 2638, 1879.70 feet; thence south 83 degrees 03 minutes west, 1170.83 feet to the point of beginning of this description; thence south 6 degrees 57 minutes east, 412.50 feet to a point the northeast corner of runway extension formally known as 8-26 (now 9-27) at the Jefferson City Memorial Airport; thence westerly along north edge of the runway extension, 40 feet; thence north 6 degrees 57 minutes west, 414.35 feet; thence in an easterly direction to the point of beginning.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 20. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF ST. LOUIS TO THE SPECIAL ADMINISTRATIVE BOARD OF THE TRANSITIONAL SCHOOL DISTRICT OF THE CITY OF ST. LOUIS. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located in the City of St. Louis, to The Special Administrative Board of The Transitional School District of The City of St. Louis (d/b/a The Board of Education of the City of St. Louis) described as follows:

Lots 10, 11, 12 and 13 in Block 3 of Evans Place, a subdivision in Block 3730 of the City of St. Louis, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 21. CONVEYANCE OF STATE PROPERTY LOCATED AT THE FARMINGTON CORRECTIONAL CENTER.— 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property located at the Farmington Correctional Center in Farmington, St. Francois County, Missouri, described as follows:

INGRESS AND EGRESS EASEMENT

A strip of land 30 feet wide across part of Lot 70 and 71 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois County, Missouri, said 30 foot strip lying 15.00 feet each side of and adjacent to the following described centerline:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S06°20'17"W, 216.36 feet; thence S57°50'37"E, 82.27 feet to the POINT OF BEGINNING for this centerline description; thence northeasterly, on a curve to the right having a radius of 246.00 feet, an arc length of 187.61 feet, (the chord of said curve being N61°05'42"E, 183.10 feet); thence N82°56'37"E, 29.02 feet; thence easterly, on a curve to the right having a radius of 350.00 feet, an arc length of 87.32 feet, (the chord of said curve being S89°54'34"E, 87.09 feet); thence S82°45'45"E, 257.95 feet; thence easterly, on a curve to the right having a radius of 400.00 feet, an arc length of 91.45 feet, (the chord of said curve being S76°12'46"E, 91.25 feet); thence S69°39'46"E, 36.75 feet; thence southeasterly, on a curve to the right having a radius of 250.00 feet, an arc length of 177.87 feet, (the chord of said curve being S49°16'50"E, 174.14 feet); thence S28°53'54"E, 29.12 feet; thence southerly, on a curve to the right having a radius of 150.00 feet, an arc length of 85.38 feet, (the chord of said curve being S12°35'32"E, 84.23 feet); thence S03°42'50"W, 143.95 feet; thence S82°45'45"E, 51.95 feet to the point of termination.

Except all that part of Lot 2 of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office, St. Francois County, Missouri.

Except all that part of Perrine Road right-of-way.

TRACT 1

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

BEGINNING at a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S31°44'48"W, 10.73 feet; thence northwesterly on a curve to the left having a radius of 250.00 feet, an arc length of 49.78 feet (the chord of said curve being N63°57'29"W, 49.70 feet); thence N69°39'46"W, 36.75 feet; thence westerly on a curve to the left having a radius of 400.00 feet, an arc length of

91.45 feet (the chord of said curve being N76°12'46"W, 91.25 feet); thence N82°45'45"W, 257.95 feet; thence westerly on a curve to the left having a radius of 350.00 feet, an arc length of 87.32 feet (the chord of said curve being N89°54'34"W, 87.09 feet); thence S82°56'37"W, 29.02 feet; thence southwesterly on a curve to the left having a radius of 246.00 feet, an arc length of 187.61 feet (the chord of said curve being S61°05'42"W, 183.10 feet); thence N57°50'37"W, 82.27 feet; thence N06°20'17"E, 216.36 feet to the point of beginning. Containing 2.67 acres.

Subject to the northerly 15 feet of a 30 foot wide Ingress and Egress Easement.

TRACT 2 June 13, 2012

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof, and the POINT OF BEGINNING for this description; thence S82°45'45"E, along the southerly boundary of said Habitat for Humanity Subdivision, 167.67 feet to the southeasterly corner thereof; thence S06°25'52"W, 321.27 feet; thence N82°45'45"W, 24.78 feet; thence N03°42'50"E, 128.92 feet; thence northerly, on a curve to the left having a radius of 150.00 feet, an arc length of 85.38 feet (the chord of said curve being N12°35'32"W, 84.23 feet); thence N28°53'54"W, 29.12 feet; thence northwesterly on a curve to the left having a radius of 250.00 feet, an arc length of 128.08 feet (the chord of said curve being N43°34'33"W, 126.69 feet); thence N31°44'48"E, 10.73 feet to the point of beginning. Containing 0.44 acres.

Subject to the northeasterly 15 feet of a 30 foot wide Ingress and Egress Easement.

TRACT 3

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S82°45'45"E, along the southerly boundary of said Habitat for Humanity Subdivision, 167.67 feet to the southeasterly corner thereof; thence

S06°25'52"W, 321.27 feet; thence N82°45'45"W, 24.78 feet to the POINT OF BEGINNING for this description; thence N82°45'45"W, 160.55 feet; thence N17°45'13"W, 148.11 feet; thence N40°06'01"E, 190.20 feet; thence southeasterly, on a curve to the right having a radius of 250.00 feet, an arc length of 91.64 feet (the chord of said curve being S39°23'56"E, 91.12 feet); thence S28°53'54"E, 29.12 feet; thence southerly, on a curve to the right having a radius of 150.00 feet, an arc length of 85.38 feet (the chord of said curve being S12°35'32"E, 84.23 feet); thence S03°42'50"W, 128.92 feet to the point of beginning. Containing 1.03 acres.

Subject to the westerly 15 feet of a 30 foot wide Ingress and Egress Easement.

TRACT 4

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S31°44'48"W, 10.73 feet to the POINT OF BEGINNING for this description; thence southeasterly, on a curve to the right having a radius of 250.00 feet, an arc length of 36.45 feet (the chord of said curve being S54°04'35"E, 36.42 feet); thence S40°06'01"W, 190.20 feet; thence N82°45'45"W, 100.00 feet; thence N19°19'50"E, 213.97 feet; thence easterly, on a curve to the right having a radius of 400.00 feet, an arc length of 44.27 feet (the chord of said curve being S72°50'00"E, 44.25 feet); thence S69°39'46"E, 36.75 feet; thence southeasterly, on a curve to the right having a radius of 250.00 feet, an arc length of 49.78 feet (the chord of said curve being S63°57'29"E, 49.70 feet) to the point of beginning. Containing 0.61 acres.

Subject to the southerly 15 feet of a 30 foot wide Ingress and Egress Easement.

TRACT 5

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S31°44'48"W, 10.73 feet; thence westerly on a curve to the left having a radius of 250.00 feet, an arc length of 49.78 feet (the chord of said curve

being N63°57'29"W, 49.70 feet); thence N69°39'46"W, 36.75 feet; thence westerly on a curve to the left having a radius of 400.00 feet, an arc length of 44.27 feet (the chord of said curve being N72°50'00"W, 44.25 feet) to the POINT OF BEGINNING for this description; thence S19°19'50"W, 213.97 feet; thence N82°45'45"W, 128.00 feet; thence N07°14'15"E, 212.00 feet; thence S82°45'45"E, 125.75 feet; thence easterly on a curve to the right having a radius of 400.00 feet, an arc length of 47.18 feet (the chord of said curve being S79°23'00"E, 47.15 feet) to the point of beginning. Containing 0.73 acres.

Subject to the southerly 15 feet of a 30 foot wide Ingress and Egress Easement.

TRACT 6

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S31°44'48"W, 10.73 feet; thence westerly on a curve to the left having a radius of 250.00 feet, an arc length of 49.78 feet (the chord of said curve being N63°57'29"W, 49.70 feet); thence N69°39'46"W, 36.75 feet; thence westerly on a curve to the left having a radius of 400.00 feet, an arc length of 91.45 feet (the chord of said curve being N76°12'46"W, 91.25 feet); thence N82°45'45"W, 125.75 feet to the POINT OF BEGINNING for this description; thence S07°14'15"W, 212.00 feet; thence N82°45'45"W, 125.00 feet; thence N05°17'10"W, 214.89 feet; thence easterly, on a curve to the right having a radius of 350.00 feet, an arc length of 39.49 feet (the chord of said curve being S85°59'40"E, 39.47 feet); thence N82°45'45"W, 132.20 feet to the point of beginning. Containing 0.72 acres.

Subject to the southerly 15 feet of a 30 foot wide Ingress and Egress Easement.

TRACT 7

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S31°44'48"W, 10.73 feet; thence westerly on a curve to the left having a radius of 250.00 feet, an arc length of 49.78 feet, (the chord of said curve

being N63°57'29"W, 49.70 feet); thence N69°39'46"W, 36.75 feet; thence westerly on a curve to the left having a radius of 400.00 feet, an arc length of 91.45 feet, (the chord of said curve being N76°12'46"W, 91.25 feet); thence N82°45'45"W, 257.95 feet; thence westerly, on a curve to the left having a radius of 350.00 feet, an arc length of 39.49 feet, (the chord of said curve being N85°59'40"W, 39.47 feet) to the POINT OF BEGINNING for this description; thence S05°17'10"E, 214.89 feet; thence N82°45'45"W, 84.46 feet; thence N57°50'37"W, 204.13 feet; thence northeasterly, on a curve to the right having a radius of 246.00 feet, an arc length of 187.61 feet, (the chord of said curve being N61°05'42"E, 183.10 feet); thence N82°56'37"E, 29.02 feet; thence easterly, on a curve to the right having a radius of 350.00 feet, an arc length of 47.83 feet, (the chord of said curve being N86°51'30"E, 47.79 feet) to the point of beginning. Containing 0.80 acres.

Subject to the southerly 15 feet of a 30 foot wide Ingress and Egress Easement.

The property hereby authorized to be conveyed by the governor shall be verified by a survey. Such survey shall be authorized by the division of facilities, management, design and construction of the office of administration pursuant to this section.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 22. CONVEYANCE OF STATE PROPERTY LOCATED IN FARMINGTON. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property in Farmington, St. Francois County, Missouri, described as follows:

TRACT A

(Property north of cemetery and south of Doubet Road) Part of Lots 85 and 94 of U.S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri, more particularly described as follows:

From the southeast corner of said Lot 85; thence N82°17'32", along the southerly line of said Lot 85, 1134.20 feet; thence N8°01'10"E, 181.95 feet to the POINT OF BEGINNING for this description; thence N82°17'57"W, 537.96 feet to the easterly line of a 30 foot road; thence N7°08'47"E, 1166.91 feet; thence S81°30'19"E, 260.68 feet; thence N9°01'04"E, 206.03 feet to the northerly line of said Lot 94; thence S82°11'48"E, along the northerly line of said Lots 94 and 85, 291.47 feet; thence S8°01'10"W, 1368.72 feet to the point of beginning. Containing 16.00 acres.

EXCEPT all that part of right-of-way of DOUBET ROAD

TRACT B

Part of Lot 94 of U.S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri, more particularly described as follows:

From the southeast corner of Lot 85 of said U.S. Survey 2969; thence N82°17'32"W, along the southerly line of said Lot 85, 1134.20 feet; thence N8°01'10"E, 181.95 feet; thence N82°17'57"W, 537.96 feet to the easterly line of a 30 foot road; thence N7°08'47"E, 320.10 feet to the POINT OF BEGINNING for this description; thence N81°42'19"W, 330.73 feet to the westerly line of a tract of land described by deed of record in Book 1164, page 627, St. Francois County Recorder's Office; thence N7°02'28"E, along the easterly line of said tract, 218.13 feet to the southwesterly corner of a tract of land described by deed of record in Book 834, page 413, St. Francois County Recorder's Office; thence S82°21'13"E, along the southerly line of said tract, described in Book 834, page 413, 331.08 feet to the southeasterly corner thereof also being the easterly line of a 30 foot wide roadway; thence S7°08'47"W, along the easterly line of said roadway, 221.87 feet to the point of beginning. Containing 1.67 acres.

EXCEPT a roadway 30 foot wide off the east side of the above described tract identified as Pullan Road in plats of record.

TRACT C

Part of Lot 94 of U.S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri, more particularly described as follows:

From the southeast corner of Lot 85 of said U.S. Survey 2969; thence N82°17'32"W, along the southerly line of Lot 85 and the southerly line of Lot 94, 1669.38 feet to the POINT OF BEGINNING for this description; thence continuing N82°17'32"W, along the southerly line of said Lot 94, 329.75 feet to the southeasterly corner of a tract of land described by deed of record in Book 1164, page 627, St. Francois County Recorder's Office; thence N7°02'28"E, along the easterly line of said tract, 505.39 feet; thence S81°42'19"E, 330.73 feet to the easterly line of a 30 foot road; thence S7°08'47"W, along the easterly line of said road, 501.99 feet to the point of beginning. Containing 3.81 acres.

EXCEPT a roadway 30 foot wide off the east side of the above described tract identified as Pullan Road in plats of record. The property hereby authorized to be conveyed by the governor shall be verified by a survey. Such survey shall be authorized by the division of facilities, management, design and construction of the office of administration pursuant to this section.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION A. EMERGENCY CLAUSE. — Because immediate action is necessary to generate revenue from the sale of state property, this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved July 10, 2012

HB 1827 [SCS HCS HB 1827]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes the Missouri Electronic Prior Authorization Committee regarding national standards for the process of obtaining prior approval from an insurer for certain services or medications

AN ACT to amend chapter 338, RSMo, by adding thereto one new section relating to the Missouri electronic prior authorization committee.

SECTION

A. Enacting clause.

338.320. Committee established, purpose, members, duties — sunset provision.

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

SECTION A. ENACTING CLAUSE. — Chapter 338, RSMo, is amended by adding thereto one new section, to be known as section 338.320, to read as follows:

338.320. COMMITTEE ESTABLISHED, PURPOSE, MEMBERS, DUTIES — SUNSET PROVISION. — **1.** There is hereby established the "Missouri Electronic Prior Authorization Committee" in order to facilitate, monitor, and report to the general assembly on Missouri-based efforts to contribute to the establishment of national electronic prior authorization standards. Such efforts shall include the Missouri-based electronic prior authorization pilot program established under subsection 5 of this section and the study and dissemination of information by the committee of the efforts of the National Council on Prescription Drug Programs (NCPDP) to develop national electronic prior authorization standards. The committee shall advise the general assembly and the department of insurance, financial institutions and professional registration as to whether there is a need for administrative rules to be promulgated by the department of insurance, financial institutions and professional registration as soon as practically possible.

2. The Missouri electronic prior authorization committee shall consist of the following members:

- (1) Two members of the senate, appointed by the president pro tempore of the senate;
- (2) Two members of the house of representatives, appointed by the speaker of the house of representatives;
- (3) One member from an organization of licensed physicians in the state;
- (4) One member who is a physician licensed in Missouri pursuant to chapter 334;
- (5) One member who is a representative of a Missouri pharmacy benefit management company;
- (6) One member from an organization representing licensed pharmacists in the state;
- (7) One member from the business community representing businesses on health insurance issues;
- (8) One member from an organization representing the leading research-based pharmaceutical and biotechnology companies;
- (9) One member from an organization representing the largest generic pharmaceutical trade association;
- (10) One patient advocate;

(11) One member from an electronic prescription network that facilitates the secure electronic exchange of clinical information between physicians, pharmacies, payers, and pharmacy benefit managers and other health care providers;

(12) One member from a Missouri-based electronic health records company;

(13) One member from an organization representing the largest number of hospitals in the state;

(14) One member from a health carrier as such term is defined under section 376.1350;

(15) One member from an organization representing the largest number of health carriers in the state, as such term is defined under section 376.1350;

(16) The director of the department of social services, or the director's designee;

(17) The director of the department of insurance, financial institutions and professional registration, who shall be chair of the committee.

3. All of the members, except for the members from the general assembly, shall be appointed by the governor no later than September 1, 2012, with the advice and consent of the senate. The staff of the department of insurance, financial institutions and professional registration shall provide assistance to the committee.

4. The duties of the committee shall be as follows:

(1) Before February 1, 2019, monitor and report to the general assembly on the Missouri-based electronic prior authorization pilot program created under subsection 5 of this section including a report of the outcomes and best practices developed as a result of the pilot program and how such information can be used to inform the national standard-setting process;

(2) Obtain specific updates from the NCPDP and other pharmacy benefit managers and vendors that are currently engaged in pilot programs working toward national electronic prior authorization standards;

(3) Correspond and collaborate with the NCPDP and other such pilots through the exchange of information and ideas;

(4) Assist, when asked by the pharmacy benefit manager, with the development of the pilot program created under subsection 5 of this section with an understanding of information on the success and failures of other pilot programs across the country;

(5) Prepare a report at the end of each calendar year to be distributed to the general assembly and governor with a summary of the committee's progress and plans for the next calendar year, including a report on Missouri-based efforts to contribute to the establishment of national electronic prior authorization standards. Such annual report shall continue until such time as the NCPDP has established national electronic prior authorization standards or this section has expired, whichever is sooner. The first report shall be completed before January 1, 2013;

(6) Upon the adoption of national electronic prior authorization standards by the NCPDP, prepare a final report to be distributed to the general assembly and governor that identifies the appropriate Missouri administrative regulations, if any, that will need to be promulgated by the department of insurance, financial institutions and professional registration, in order to make those standards effective as soon as practically possible, and advise the general assembly and governor if there are any legislative actions necessary to the furtherance of that end.

5. The department of insurance, financial institutions and professional registration and the Missouri electronic prior authorization committee shall recruit a Missouri-based pharmacy benefits manager doing business nationally to volunteer to conduct an electronic prior authorization pilot program in Missouri. The pharmacy benefits manager conducting the pilot program shall ensure that there are adequate Missouri licensed physicians and an electronic prior authorization vendor capable and willing to participate in a Missouri-based pilot program. Such pilot program established under this section

shall be operational by January 1, 2014. The department and the committee may provide advice or assistance to the pharmacy benefit manager conducting the pilot program but shall not maintain control or lead with the direction of the pilot program.

6. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Approved July 10, 2012

HB 1909 [HB 1909]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding aircraft fuel, liens on aircraft, and anemometer towers

AN ACT to repeal sections 144.805, 430.020, and 430.082, RSMo, and to enact in lieu thereof four new sections relating to aviation, with a penalty provision for a certain section.

SECTION

A. Enacting clause.

- 144.805. Aviation jet fuel sold to common carriers in interstate transporting or storage exempt from all sales and use tax, when — qualification, procedure — common carrier to make direct payment to revenue — tax revenues to be deposited in aviation trust fund — expires when.
- 430.020. Liens for storage, materials and labor on vehicles or aircraft — nonpossessory liens on aircraft for labor and material, procedure — failure to file with aircraft registry, purchaser prevails.
- 430.082. Motor vehicles, trailers, vessels, outboard motors, aircraft liens for labor, material or storage, when — nonpossessory lien on aircraft, procedure — lien title obtained, when, procedure — sale of chattel, when — distribution of proceeds.
- 701.550. Definitions — requirements for towers 50 feet or higher — violation, penalty.

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

SECTION A. ENACTING CLAUSE. — Sections 144.805, 430.020, and 430.082, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 144.805, 430.020, 430.082, and 701.550, to read as follows:

144.805. AVIATION JET FUEL SOLD TO COMMON CARRIERS IN INTERSTATE TRANSPORTING OR STORAGE EXEMPT FROM ALL SALES AND USE TAX, WHEN — QUALIFICATION, PROCEDURE — COMMON CARRIER TO MAKE DIRECT PAYMENT TO REVENUE — TAX REVENUES TO BE DEPOSITED IN AVIATION TRUST FUND — EXPIRES WHEN.

— 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to [144.748] **144.746**, and section 238.235, and the provisions of any local sales tax law, as defined in section 32.085, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to [144.748] **144.746**, and section 238.235, and the provisions of any local sales tax law, as defined in section 32.085, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air

transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year.

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. All sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701 for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 155.090; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed ten million dollars in each calendar year.

5. The provisions of this section and section 144.807 shall expire on December 31, [2013] 2023.

430.020. LIENS FOR STORAGE, MATERIALS AND LABOR ON VEHICLES OR AIRCRAFT — NONPOSSESSORY LIENS ON AIRCRAFT FOR LABOR AND MATERIAL, PROCEDURE — FAILURE TO FILE WITH AIRCRAFT REGISTRY, PURCHASER PREVAILS. — Every person who shall keep or store any vehicle[,] or part or equipment thereof, shall, for the amount due therefor, have a lien; and every person who furnishes labor or material on any vehicle [or aircraft,] or part or equipment thereof, who shall obtain a written memorandum of the work or material furnished, or to be furnished, signed by the owner of the vehicle [or aircraft], or part or equipment thereof, **and every person who furnishes labor or material on any aircraft or part or equipment thereof, who shall obtain a written memorandum of the work or material furnished, or to be furnished, signed by the owner, authorized agent of the owner, or person in lawful possession of the aircraft or part or equipment thereof,** shall have a lien for the amount of such work or material as is ordered or stated in such written memorandum. Such liens shall be on the vehicle or aircraft, or part or equipment thereof, as shall be kept or stored, or be placed in the possession of the person furnishing the labor or material; provided, however, the person furnishing the labor or material **on the aircraft or part or equipment thereof,** may retain the lien after surrendering possession of the aircraft or part or equipment thereof by filing a statement in the office of the county recorder of the county where the owner of the aircraft or part or equipment thereof resides, if known to the claimant, and in the office of the county recorder of the county where the labor or material was furnished. Such statement shall be filed within [thirty] **one hundred eighty** days after surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's name and address, the items on account, the name of the owner and a description of the property, and shall not bind a bona fide purchaser unless said lien has also been filed with the Federal Aviation Administration Aircraft Registry.

430.082. MOTOR VEHICLES, TRAILERS, VESSELS, OUTBOARD MOTORS, AIRCRAFT LIENS FOR LABOR, MATERIAL OR STORAGE, WHEN — NONPOSSESSORY LIEN ON AIRCRAFT, PROCEDURE — LIEN TITLE OBTAINED, WHEN, PROCEDURE — SALE OF CHATTEL, WHEN — DISTRIBUTION OF PROCEEDS. — 1. Every person expending labor, services, skill or material upon any motor vehicle or trailer, as defined in chapter 301, vessel, as defined in chapter 306, outboard motor [or] , **or aircraft, or part or equipment of an aircraft**, at a written request of its owner, authorized agent of the owner, or person in lawful possession thereof, or who provides storage for a motor vehicle, trailer, outboard motor or vessel, at the written request of its owner, authorized agent of the owner, or person in lawful possession thereof, or at the written request of a peace officer in lieu of the owner or owner's agent, where such owner or agent is not available to request storage thereof, shall, where the maximum amount to be charged for labor, services, skill or material has been stated as part of the written request or the daily charge for storage has been stated as part of the written request, have a lien upon the chattel beginning upon the date of commencement of the expenditure of labor, services, skill, materials or storage for the actual value of all the expenditure of labor, services, skill, materials or storage until the possession of that chattel is voluntarily relinquished to the owner, authorized agent, or one entitled to possession thereof. The person furnishing labor, services, skill or material **upon an aircraft or part or equipment thereof**, may retain the lien after surrendering possession of the aircraft or part or equipment thereof, by filing a statement in the office of the county recorder of the county where the owner of the aircraft or part or equipment thereof, resides, if known to the claimant, and in the office of the county recorder of the county where the claimant performed the services. Such statement shall be filed within [thirty] **one hundred eighty** days after surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's name and address, the items on account, the name of the owner and a description of the property, and shall not bind a bona fide purchaser unless the lien has also been filed with the Federal Aviation Administration Aircraft Registry.

2. If the chattel is not redeemed within forty-five days of the completion of the requested labor, services, skill or material, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title.

3. If the charges are for storage or the service of towing the motor vehicle, trailer, outboard motor or vessel, and the chattel has not been redeemed within forty-five days after the charges for storage commenced, the lienholder shall notify by certified mail, postage prepaid, the owner and any lienholders of record other than the person making the notification, at the person's last known address that application for a lien title will be made unless the owner or lienholder within thirty days makes satisfactory arrangements with the person holding the chattel for payment of storage or service towing charges, if any, or makes satisfactory arrangements with the lienholder for paying such charges or for continued storage of the chattel if desired. Thirty days after the notification has been mailed and the chattel is unredeemed, or the notice has been returned marked "not forwardable" or "addressee unknown", and no satisfactory arrangement has been made with the lienholder for payment or continued storage, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title as provided in this section.

4. The application shall be accompanied by:

(1) The original or a conformed or photostatic copy of the written request of the owner or the owner's agent or of a peace officer with the maximum amount to be charged stated therein;

(2) An affidavit from the lienholder that written notice was provided to all owners and lienholders of the applicants' intent to apply for a certificate of ownership and the owner has defaulted on payment of labor, services, skill or material and that payment is forty-five days past due, or that owner has defaulted on payment or has failed to make satisfactory arrangements for continued storage of the chattel for thirty days since notification of intent to make application for a certificate of ownership or certificate of title. The affidavit shall be accompanied by a copy of the thirty-day notice given by certified mail to any owner and person holding a valid security

interest and a copy of the certified mail receipt indicating that the owner and lienholder of record was sent a notice as required in this section;

(3) A statement of the actual value of the expenditure of labor, services, skill or material, or the amount of storage due on the date of application for a certificate of ownership or certificate of title, and the amount which is unpaid; and

(4) A fee of ten dollars.

5. If the director is satisfied with the genuineness of the application, proof of lienholder notification in the form of a certified mail receipt, and supporting documents, and if no lienholder or the owner has redeemed the chattel or no satisfactory arrangement has been made concerning payment or continuation of storage, and if no owner or lienholder has informed the director that the owner or lienholder demands a hearing as provided in this section, the director shall issue, in the same manner as a repossessed title is issued, a certificate of ownership or certificate of title to the applicant which shall clearly be captioned "Lien Title".

6. Upon receipt of a lien title, the holder shall within ten days begin proceedings to sell the chattel as prescribed in section 430.100.

7. The provisions of section 430.110 shall apply to the disposition of proceeds, and the lienholder shall also be entitled to any actual and necessary expenses incurred in obtaining the lien title, including, but not limited to, court costs and reasonable attorney's fees.

701.550. DEFINITIONS — REQUIREMENTS FOR TOWERS 50 FEET OR HIGHER — VIOLATION, PENALTY. — 1. As used in this section the following terms mean:

(1) "Anemometer", an instrument for measuring and recording the speed of the wind;

(2) "Anemometer tower", a structure, including all guy wires and accessory facilities, that has been constructed solely for the purpose of mounting an anemometer to document whether a site has wind resources sufficient for the operation of a wind turbine generator;

(3) "Area surrounding the anchor point", an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point.

2. Any anemometer tower that is fifty feet in height above the ground or higher that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law, shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before August 28, 2012, shall be marked as required in this section by January 1, 2014. Any anemometer tower that is erected on or after August 28, 2012, shall be marked as required in this section at the time it is erected. Marking required under this section includes marking the anemometer tower, guy wires, and accessory facilities as follows:

(1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;

(2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;

(3) The area surrounding each point where a guy wire is anchored to the ground shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area surrounding the anchor point shall be fenced; and

(4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.

3. A violation of this section is a class B misdemeanor.

Approved July 12, 2012

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SB 450 [SB 450]

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 length of school board terms for certain school districts that became urban districts because of the 2010 census

AN ACT to repeal section 162.481, RSMo, and to enact in lieu thereof one new section relating to school directors in urban districts, with an emergency clause.

SECTION

- A. Enacting clause.
- 162.481. Elections in urban districts — terms of directors — exceptions — elections in St. Charles County.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Section 162.481, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.481, to read as follows:

162.481. ELECTIONS IN URBAN DISTRICTS — TERMS OF DIRECTORS — EXCEPTIONS — ELECTIONS IN ST. CHARLES COUNTY. — 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. Except as otherwise provided in [subsection] **subsections 4 and 5** of this section, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection.

The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the

urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

5. In any school district in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants which becomes an urban school district by reason of the 2010 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after the effective date of this section.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to clarify terms for school board members elected in April 2012 school board elections, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved April 2, 2012

SB 464 [SS SB 464]

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

Prohibits the establishment and operation of health insurance exchanges in Missouri unless certain criteria are met

AN ACT to amend chapter 376, RSMo, by adding thereto one new section relating to the authority for creating and operating health insurance exchanges in Missouri, with a referendum clause.

SECTION

- A. Enacting clause.
- 376.1186. State-based health benefit exchanges prohibited without statutory authority — executive order to establish prohibited — state agency restrictions — taxpayer standing — definitions.
- B. Referendum clause.

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

SECTION A. ENACTING CLAUSE. — Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1186, to read as follows:

376.1186. STATE-BASED HEALTH BENEFIT EXCHANGES PROHIBITED WITHOUT STATUTORY AUTHORITY — EXECUTIVE ORDER TO ESTABLISH PROHIBITED — STATE AGENCY RESTRICTIONS — TAXPAYER STANDING — DEFINITIONS. — 1. No state-based health benefit exchange may be established, created, or operated within this state in order

to implement Section 1311 of the federal health care act, 42 U.S.C. Section 18031, or any other provision of the federal health care act that relates to the creation and operation of a state-based health benefit exchange, unless the authority to create or operate such an exchange is enacted into law through:

- (1) A bill as prescribed by Article III of the Missouri Constitution;
- (2) An initiative petition as prescribed by Article III, Section 50 of the Missouri Constitution; or
- (3) A referendum as prescribed by Article III, Section 52(a) of the Missouri Constitution.

2. In no case shall the authority for establishing, administering, or operating a state-based health benefit exchange in Missouri be based upon an executive order issued by the governor of Missouri.

3. No department, agency, instrumentality or political subdivision of the state of Missouri shall establish any program, promulgate any rule, policy, guideline or plan or change any program, rule, policy or guideline to implement, establish, create, administer or otherwise operate a state-based health benefit exchange described in the federal health care act unless such department, agency, instrumentality or political subdivision has received statutory authority to do so in a manner consistent with subsection 1 of this section. No department, agency, instrumentality or political subdivision of the state of Missouri shall act as an eligible entity as described in Section 1311(f)(3)(B) of the federal health care act to perform one or more of the responsibilities of a state-based health benefit exchange unless authorized by statute or a regulation validly promulgated pursuant to such statute.

4. No department, agency, instrumentality, or political subdivision of this state shall apply for, accept or expend federal moneys related to the creation, implementation or operation of a state-based health benefit exchange or a federally-facilitated health benefit exchange unless such acceptance or expenditure is authorized by statute or an appropriations bill.

5. No department, agency, instrumentality, political subdivision, public officer or employee of this state shall enter into any agreement or any obligation to establish, administer, or operate a federally-facilitated health benefit exchange described in Section 1321(c)(1) of the federal health care act unless such department, agency, instrumentality, political subdivision, public officer or employee of this state has received statutory authority to enter into such agreements or obligations. No department, agency, instrumentality, political subdivision, public officer or employee of this state shall provide assistance or resources of any kind to any department, agency, public official, employee or agent of the federal government related to the creation or operation of a federally-facilitated health benefit exchange unless such assistance or resources are authorized by state statute or a regulation promulgated thereto or such assistance or resources are specifically required by federal law.

6. Any taxpayer of this state or any member of the general assembly shall have standing to bring suit against the state of Missouri or any official, department, division, agency, or political subdivision of this state which is in violation of this section in any court with jurisdiction to enforce the provisions of this section. The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the taxpayer or member of the general assembly if the court finds that the provisions of this section have been violated. Such attorney's fees, court costs, and reasonable expenses shall be paid from funds appropriated to the department, division, agency, or any political subdivision of this state determined to have violated, in whole or in part, the provisions of this section. In no case shall the award of attorney's fees, court costs, or reasonable expenses be paid from the legal defense fund, nor shall any department, division, agency, or political subdivision of

this state request, or be granted, additional appropriations in order to satisfy an award made under this section.

7. As used in this section, the term "federal health care act" shall mean the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments thereto, or regulations or guidance issued under such federal acts.

8. As used in this section, the term "state-based health benefit exchange" means a governmental agency or non-profit entity established by the state of Missouri and not the federal government that meets the applicable requirements of Section 1311 of the federal health care act and regulations promulgated thereto and makes qualified health care plans available to qualified individuals and qualified employers. The term "state-based health benefit exchange" includes regional or other interstate exchanges and subsidiary exchanges as described in Section 1311(f)(1) and (2) of the federal health care act. The term "federally-facilitated health benefit exchange" means a health benefit exchange established and operated by the Secretary of Health and Human Services under Section 1321(c)(1) of the federal health care act, either directly or through agreement with a not-for-profit entity.

SECTION B. REFERENDUM CLAUSE. — This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2012, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

Subject to Voter Approval on November 6, 2012

SB 469 [HCS SS SCS SB 469]

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 administrative rules and licensure and inspection of hospitals

AN ACT to repeal sections 536.041 and 536.325, RSMo, and to enact in lieu thereof four new sections relating to administrative rules promulgated by certain state agencies.

SECTION

- A. Enacting clause.
- 536.032. Code of state regulations, secretary of state authorized to make nonsubstantive changes, when.
- 536.041. Any person may petition agency concerning rules, agency must furnish copy to committee on administrative rules and commissioner of administration together with its action — agency recommendations, procedure.
- 536.175. Periodic review required by state agencies, schedule, procedure.
- 536.325. Rules affecting small business, list provided by aboard to agencies — availability of list — testimony may be solicited.

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

SECTION A. ENACTING CLAUSE. — Sections 536.041 and 536.325, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 536.032, 536.041, 536.175, and 536.325, to read as follows:

536.032. CODE OF STATE REGULATIONS, SECRETARY OF STATE AUTHORIZED TO MAKE NONSUBSTANTIVE CHANGES, WHEN. — Upon the filing of a request by a state agency with the joint committee on administrative rules and the secretary of state concurrently, and after publication in the Missouri Register, the secretary of state shall have the authority to make nonsubstantive changes to the code of state regulations to update changes in department or division name information in response to statutory changes or executive orders, or to changes in state agency address, state agency telephone numbers, email addresses, or state agency website addresses.

536.041. ANY PERSON MAY PETITION AGENCY CONCERNING RULES, AGENCY MUST FURNISH COPY TO COMMITTEE ON ADMINISTRATIVE RULES AND COMMISSIONER OF ADMINISTRATION TOGETHER WITH ITS ACTION — AGENCY RECOMMENDATIONS, PROCEDURE. — Any person may file a written petition with an agency requesting the adoption, amendment or repeal of any rule. Any agency receiving such a petition or other request in writing to adopt, amend or repeal any rule shall forthwith furnish a copy thereof to the joint committee on administrative rules and to the commissioner of administration[, together with the action, if any, taken or contemplated by the agency as a result of such petition or request, and the agency's reasons therefor]. Within sixty days after the receipt of the petition, the agency shall submit a written response to the petitioner and copies of the response, in electronic format, to the joint committee on administrative rules and to the commissioner of administration, containing its determination whether such rule should be adopted, continued without change, amended, or rescinded, together with a concise summary of the state agency's specific facts and findings with respect to the criteria set forth in subsection 4 of section 536.175. If the agency determines the rule merits adoption, amendment, or rescission, it shall initiate proceedings in accordance with the applicable requirements of this chapter. The joint committee may refer comments or recommendations concerning such rule to the general assembly for further action. Upon timely application, the joint committee on administrative rules may grant, upon good cause shown, an extension of time to answer a petition. A written petition submitted in accordance with this section shall constitute notice for purposes of subsection 9 of section 536.021.

536.175. PERIODIC REVIEW REQUIRED BY STATE AGENCIES, SCHEDULE, PROCEDURE. — 1. Each state agency shall periodically review all of its rules according to the following review schedule:

- (1) Rules contained in titles 1 through 6 of the code of state regulations shall begin the review process no later than July 1, 2015, and every five years thereafter;
- (2) Rules contained in titles 7 through 10 of the code of state regulations shall begin the review process no later than July 1, 2016, and every five years thereafter;
- (3) Rules contained in titles 11 through 14 of the code of state regulations shall begin the review process no later than July 1, 2017, and every five years thereafter;
- (4) Rules contained in titles 15 through 19 of the code of state regulations shall begin the review process no later than July 1, 2018, and every five years thereafter; and
- (5) Rules contained in titles 20 and higher of the code of state regulations shall begin the review process no later than July 1, 2019, and every five years thereafter.

2. The joint committee on administrative rules shall cause a notification of agency review to be published in the Missouri Register indicating rules being reviewed under this section and shall contain:

- (1) Which titles of the code of state regulations will be under review;
- (2) A notice that anyone may file comments concerning the rules being reviewed no later than sixty days after publication of the notice in the Missouri Register;
- (3) A notice that all comments must identify the commenter, must specify the rule being commented upon, and must contain comments directly associated to that rule;

(4) A listing of agency designee assigned to receive comments on rules under review;
3. State agencies shall provide the joint committee on administrative rules contact information for the agency designee assigned to receive comments under subsection 2 of this section.

4. Each agency with rules being reviewed, shall prepare a report containing the results of its periodic rule review. The report shall consider and include the following:

(1) Whether the rule continues to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;

(2) Whether the rule is obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule;

(3) Whether the rule overlaps, duplicates, or conflicts with other state rules, and to the extent feasible, with federal and local governmental rules;

(4) Whether a less restrictive, more narrowly tailored, or alternative rule could adequately protect the public or accomplish the same statutory purpose;

(5) Whether the rule needs amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork;

(6) Whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference meets the requirements of section 536.031;

(7) For rules that affect small business, the specific public purpose or interest for adopting the rules and any other reasons to justify its continued existence; and

(8) The nature of the comments received by the agency under subsection 2 of this section, a summary of which shall be attached to the report as an appendix and shall include the agency's responses thereto.

5. Each agency with rules subject to review shall cause their report to be filed electronically with the joint committee on administrative rules and the small business regulatory fairness board no later than June thirtieth of the year after publication of agency review in the Missouri Register under subsection 2 of this section. The reports shall also be made available on the state agency's website. If the state agency fails to file the report as required by this section for any rule and has not received an extension for good cause from the joint committee on administrative rules, the joint committee on administrative rules shall notify the secretary of state to publish a notice as soon as practicable in the Missouri Register as to which rules the delinquency exists. The rule shall be void and of no further effect after the first sixty legislative days of the next regular session of the general assembly unless the state agency corrects the delinquency by providing the required review within ninety days after publication. Upon determination that the agency has complied with the requirements of this section regarding any delinquency that resulted in notice being published, the joint committee on administrative rules shall notify the secretary of state to remove the rule from the notice of rules scheduled to become null and void.

536.325. RULES AFFECTING SMALL BUSINESS, LIST PROVIDED BY ABOARD TO AGENCIES — AVAILABILITY OF LIST — TESTIMONY MAY BE SOLICITED. — 1. [Each agency with rules that affect small business shall submit by June thirteenth of each odd-numbered year a list of such rules to the general assembly and the board. The agency shall also submit a report describing the specific public purpose or interest for adopting the respective rules and any other reasons to justify its continued existence. The general assembly may subsequently take such action in response to the report as it finds appropriate.

2.] The board shall provide to the head of each agency a list of any rules adopted by the agency that affect small business and have generated complaints or concerns, including any rules that the board determines may duplicate, overlap, or conflict with other rules or exceed statutory

authority. Within forty-five days after being notified by the board the list of rules adopted, the agency shall submit a written report to the board in response to the complaints or concerns. The agency shall also state whether the agency has considered the continued need for the rules and the degree to which technology, economic conditions, and other relevant factors may have diminished or eliminated the need for maintaining the rules.

[3.] 2. The board may solicit testimony from the public at a public meeting regarding any report submitted by the agency under this section or **section 536.175**. The board shall **electronically** submit an evaluation report to the governor and the general assembly regarding small business comments, agency response, and public testimony on rules in this section **and the report shall be maintained on the board's website**. The governor and the general assembly may take such action in response to the report as they find appropriate.

Approved July 13, 2012

SB 470 [CCS HCS SS SCS SB 470]

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

Modifies various provisions relating to transportation

AN ACT to repeal sections 142.932, 144.030, 260.392, 301.010, 301.140, 301.147, 302.185, 302.341, 302.700, 303.200, 304.022, 304.120, 304.180, 304.190, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, and to enact in lieu thereof thirty-one new sections relating to transportation, with penalty provisions, an effective date for a certain section, and contingent effective dates for certain sections.

SECTION

- A. Enacting clause.
- 142.932. Highway operation of vehicle with dyed fuel prohibited, when — unlawful use of dyed fuel — penalties.
- 144.030. Exemptions from state and local sales and use taxes.
- 260.392. Definitions — fees for transport of radioactive waste — deposit of moneys, use — notice of shipments — sunset provision.
- 301.010. Definitions.
- 301.140. Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — expiration date, certain subsections — additional temporary license plate may be purchased, when.
- 301.147. Biennial registration, requirements, fee — rulemaking authority, procedure — staggering registration periods.
- 301.580. Special event motor vehicle auction license, requirements, fee — corporate surety bond required — rulemaking authority.
- 302.185. Duplicate license — how obtained — fee.
- 302.188. Veteran designation on driver's licensed or ID card, requirements — rulemaking authority.
- 302.341. Moving traffic violation, failure to prepay fine or appear in court, license suspended, procedure — reinstatement when — excessive revenue from fines to be distributed to schools — definition, state highways.
- 302.700. Citation of law — definitions.
- 302.768. Compliance with federal law, certification required — application requirements, procedure.
- 303.200. Approval of plan for apportionment of substandard insurance risks.
- 304.022. Emergency vehicle defined — use of lights and sirens — right-of-way — stationary vehicles, procedure — penalty.
- 304.033. Recreational off-highway vehicles, operation on highways prohibited, exceptions — operation within streams and rivers prohibited, exceptions — license required for operation, exception.
- 304.120. Municipal regulations — owner or lessor not liable for violations, when.
- 304.180. Regulations as to weight — axle load, tandem axle defined — idle reduction technology, increase in maximum gross weight permitted, amount — hauling livestock or milk, total gross weight permitted.
- 304.190. Height and weight regulations (cities of 75,000 or more) — commercial zone defined.
- 387.040. Transportation prohibited until schedule of rates and fares is filed and published — exception, when.
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- 387.050. Rates and fares, filing and publication.
- 387.080. Concurrence in joint tariffs — contracts, agreements or arrangements between any carriers — prohibition for household goods.
- 387.110. Preference to locality or particular traffic, prohibited.
- 387.137. Household goods transportation in intrastate commerce, commission to establish consumer protection requirements.
- 387.139. Movement of household goods in intrastate commerce, complaints — information file to be kept, contents, form — rulemaking authority.
- 387.207. Authority of division to fix rates, tolls, charges and schedules.
- 387.355. Rate orders vacated for transportation of household goods in intrastate commerce, when, limitation.
- 390.051. Certificate required for common carriers of household goods or passengers to do business — application, content — issued when.
- 390.054. Movers of household goods in intrastate commerce, proof of worker's compensation insurance coverage required.
- 390.061. Contract carriers of household goods or passengers to have permit — application, contents — issuance — contract rates — interagency agreements.
- 390.116. Through routes and joint rates established by common carriers of household goods, when.
- 390.280. Certificates issued prior to January 1, 1995, void, when — certificate owners qualified as registered property carriers, when — hazardous materials, transportation of, effect of law upon — geographic restriction void, when.
 - B. Contingent effective date.
 - C. Contingent effective date.
 - D. Effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 142.932, 144.030, 260.392, 301.010, 301.140, 301.147, 302.185, 302.341, 302.700, 303.200, 304.022, 304.120, 304.180 304.190, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 142.932, 144.030, 260.392, 301.010, 301.140, 301.147, 301.580, 302.185, 302.188, 302.341, 302.700, 302.768, 303.200, 304.022, 304.033, 304.120, 304.180 304.190, 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, and 390.280, to read as follows:

142.932. HIGHWAY OPERATION OF VEHICLE WITH DYED FUEL PROHIBITED, WHEN — UNLAWFUL USE OF DYED FUEL — PENALTIES. — 1. No person shall operate or maintain a motor vehicle on any public highway in this state with motor fuel contained in the fuel supply tank for the motor vehicle that contains dye as provided pursuant to this chapter.

2. This section does not apply to:

(1) Persons operating motor vehicles that have received fuel into their fuel tanks outside of this state in a jurisdiction that permits introduction of dyed motor fuel of that color and type into the motor fuel tank of highway vehicles; [or]

(2) Uses of dyed fuel on the highway which are lawful under the Internal Revenue Code and regulations thereunder and as set forth in this chapter unless otherwise prohibited by this chapter; **or**

(3) Persons operating motor vehicles during a state of emergency declaration by the governor, when such motor vehicles are engaged in public safety matters or in restoration of utility services attributable to the state of emergency. This exception shall apply to public utility and rural electric cooperative motor vehicles and the motor vehicles of persons contracting with such entities for the purpose of restoring utility service attributable to the state of emergency.

3. No person shall sell or hold for sale dyed diesel fuel or dyed kerosene for any use that the person knows or has reason to know is a taxable use of the diesel fuel.

4. No person shall use or hold for use any dyed diesel fuel for a taxable use when the person knew or had reason to know that the diesel fuel was so dyed.

5. No person shall willfully, with intent to evade tax, alter or attempt to alter the strength or composition of any dye or marker in any dyed diesel fuel or dyed kerosene.

6. Any person who knowingly violates or knowingly aids and abets another to violate the provisions of this section with the intent to evade the tax levied by this chapter shall be guilty of a class A misdemeanor.

7. Any person or business entity, each officer, employee, or agent of the entity who willfully participates in any act in violation of this section shall be jointly and severally liable with the entity for the tax and penalty which shall be the same as imposed pursuant to 26 U.S.C., Section 6715 or its successor section.

144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES. — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) **Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and**

maintenance or manufacture of such vehicles. For purposes of this subsection "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

[(5)] (6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

[(6)] (7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

[(7)] (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

[(8)] (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

[(9)] (10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

[(10)] (11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

[(11)] (12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

[(12)] (13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

[(13)] **(14)** Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

[(14)] **(15)** Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

[(15)] **(16)** Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

[(16)] **(17)** Tangible personal property purchased by a rural water district;

[(17)] **(18)** All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

[(18)] **(19)** All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

[(19)] **(20)** All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

[(20)] **(21)** All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

[(21)] **(22)** All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater

organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

[(22)] **(23)** All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

[(23)] **(24)** Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service

rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

[(24)] **(25)** All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

[(25)] **(26)** Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

[(26)] **(27)** Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

[(27)] **(28)** All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

[(28)] **(29)** Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

[(29)] **(30)** All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

[(30)] **(31)** All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

[(31)] **(32)** Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

[(32)] **(33)** Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

[(33)] **(34)** Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

[(34)] **(35)** All sales of grain bins for storage of grain for resale;

[35] **(36)** All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

[36] **(37)** All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

[37] **(38)** All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

[38] **(39)** Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

[39] **(40)** All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

[40] **(41)** Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

[41] **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event.

260.392. DEFINITIONS — FEES FOR TRANSPORT OF RADIOACTIVE WASTE — DEPOSIT OF MONEYS, USE — NOTICE OF SHIPMENTS — SUNSET PROVISION. — 1. As used in sections 260.392 to 260.399, the following terms mean:

(1) "Cask", all the components and systems associated with the container in which spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive waste are stored;

(2) "High-level radioactive waste", the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient

concentrations, and other highly radioactive material that the United States Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

(3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended, a quantity of radioactive material within a single package. Highway route controlled quantity shipments of thirty miles or less within the state are exempt from the provisions of this section;

(4) "Low-level radioactive waste", any radioactive waste not classified as high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive material given written approval for landfill disposal by the Missouri department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from the provisions of this section;

(5) "Shipper", the generator, owner, or company contracting for transportation by truck or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments, transuranic radioactive waste, or low-level radioactive waste;

(6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing;

(7) "State-funded institutions of higher education", any campus of any university within the state of Missouri that receives state funding and has a nuclear research reactor;

(8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with half-lives greater than twenty years, per gram of waste. For the purposes of this section, transuranic waste shall not include:

(a) High-level radioactive wastes;

(b) Any waste determined by the Environmental Protection Agency with the concurrence of the Environmental Protection Agency administrator that does not need the degree of isolation required by this section; or

(c) Any waste that the United States Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state shall be subject to the fees established in this subsection, provided that no state-funded institution of higher education that ships nuclear waste shall pay any such fee. These higher education institutions shall reimburse the Missouri state highway patrol directly for all costs related to shipment escorts. The fees for all other shipments shall be:

(1) One thousand eight hundred dollars for each [cask transported] **truck transporting** through or within the state [by truck of] high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route controlled quantity shipments. All [casks] **truck shipments** of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments [transported by truck] are subject to a surcharge of twenty-five dollars per mile for every mile over two hundred miles traveled within the state;

(2) One thousand three hundred dollars for the first cask and one hundred twenty-five dollars for each additional cask for each rail shipment through or within the state of high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

(3) One hundred twenty-five dollars for each truck or train transporting low-level radioactive waste through or within the state. The department of natural resources may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment.

3. All revenue generated from the fees established in subsection 2 of this section shall be deposited into the environmental radiation monitoring fund established in section 260.750 and shall be used by the department of natural resources to achieve the following objectives and for

purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not limited to:

- (1) Inspections, escorts, and security for waste shipment and planning;
- (2) Coordination of emergency response capability;
- (3) Education and training of state, county, and local emergency responders;
- (4) Purchase and maintenance of necessary equipment and supplies for state, county, and local emergency responders through grants or other funding mechanisms;
- (5) Emergency responses to any transportation incident involving the high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;
- (6) Oversight of any environmental remediation necessary resulting from an incident involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of any party responsible for the incident; such party may be liable for full reimbursement to the state or payment of any other costs associated with the cleanup of contamination related to a transportation incident;
- (7) Administrative costs attributable to the state agencies which are incurred through their involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state.

4. Nothing in this section shall preclude any other state agency from receiving reimbursement from the department of natural resources and the environmental radiation monitoring fund for services rendered that achieve the objectives and comply with the provisions of this section.

5. Any unencumbered balance in the environmental radiation monitoring fund that exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring fund for that fiscal year.

6. The department of natural resources, in coordination with the department of health and senior services and the department of public safety, may promulgate rules necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. All funds deposited in the environmental radiation monitoring fund through fees established in subsection 2 of this section shall be utilized, subject to appropriation by the general assembly, for the administration and enforcement of this section by the department of natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

8. All fees shall be paid to the department of natural resources prior to shipment.

9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the state shall be provided by the shipper to the governor's designee for advanced notification, as described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state. Notice of any shipment of low-level radioactive waste through or within the state shall be provided by the shipper to the Missouri department of natural resources before such shipment enters the state.

10. Any shipper who fails to pay a fee assessed under this section, or fails to provide notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the amount assessed and not paid. The action shall be brought by the attorney general at the request of the department of natural resources. If the action involves a facility domiciled in the state, the action shall be brought in the circuit court of the county in which the facility is located. If the action does not involve a facility domiciled in the state, the action shall be brought in the circuit court of Cole County.

11. Beginning on December 31, 2009, and every two years thereafter, the department of natural resources shall prepare and submit a report on activities of the environmental radiation monitoring fund to the general assembly. This report shall include information on fee income received and expenditures made by the state to enforce and administer the provisions of this section.

12. The provisions of this section shall not apply to high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the federal government for military or national defense purposes.

13. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2009, 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.

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, 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;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

- (10) "Director" or "director of revenue", the director of the department of revenue;
- (11) "Driveaway operation":
- (a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
- (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or
- (c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;
- (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;
- (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;
- (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;
- (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;
- (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;
- (20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- (21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;
- (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;
- (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;
- (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:
- (a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or
- (b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;
- (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the
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transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(28) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

(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;

(34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(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;

(36) "Motorcycle", a motor vehicle operated on two wheels;

(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;

(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;

(39) "Municipality", any city, town or village, whether incorporated or not;

(40) "Nonresident", a resident of a state or country other than the state of Missouri;

(41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(42) "Operator", any person who operates or drives a motor vehicle;

(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;

(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;

(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;

(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;

(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;

(48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an unladen dry weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV trails;

(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;

(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";

(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;

(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;

(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;

(54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(55) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(56) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(58) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(60) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

(61) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(63) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(64) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(66) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(69) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.140. PLATES REMOVED ON TRANSFER OR SALE OF VEHICLES — USE BY PURCHASER — REREGISTRATION — USE OF DEALER PLATES — TEMPORARY PERMITS, FEES — CREDIT, WHEN — EXPIRATION DATE, CERTAIN SUBSECTIONS — ADDITIONAL TEMPORARY LICENSE PLATE MAY BE PURCHASED, WHEN. — 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. [Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5.] **The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days from the date of purchase.** The temporary permit [shall be made available by the director of revenue and] **authorized under this section may be purchased by the purchaser of a motor vehicle**

or trailer from the **central office of the department of revenue or from an authorized agent of the department of revenue** upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a **motor vehicle dealer** upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, **or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates.** The director [shall] **of the department of revenue or a producer authorized by the director of the department of revenue** may make temporary permits available to registered dealers in this state [or], authorized agents of the department of revenue [in sets of ten permits] **or the department of revenue.** The [fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate issued] **price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit.** The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer [or], authorized agent **or the department of revenue** shall charge more than [seven dollars and fifty cents] **five dollars** for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a **motor vehicle dealer** for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. **Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.**

[6.] **5.** The permit shall be issued on a form prescribed by the director **of the department of revenue** and issued only for the applicant's [use in the] **temporary** operation of the motor vehicle or trailer purchased to enable the applicant to [legally] **temporarily** operate the **motor vehicle** while proper title and registration [plate] **plates** are being obtained, **or while awaiting receipt of registration plates,** and shall be displayed on no other **motor vehicle.** Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director **of the department of revenue** shall determine the size [and], **material, design,** numbering configuration, construction, and color of the permit. **The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.**

[7. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit.]

6. Every **motor vehicle dealer** that issues [a] temporary [permit] **permits** shall keep, for inspection [of] **by proper officers, [a correct] an accurate** record of each permit issued by

recording the permit [or plate] number, **the motor vehicle dealer's number**, buyer's name and address, **the motor vehicle's** year, make, and manufacturer's vehicle identification number [on which the permit is to be used], and the **permit's** date of issuance and **expiration date**. **Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.**

[8.] 7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of **motor** vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

9. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

10. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

301.147. BIENNIAL REGISTRATION, REQUIREMENTS, FEE — RULEMAKING AUTHORITY, PROCEDURE — STAGGERING REGISTRATION PERIODS. — 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of [twelve] **fifty-four** thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of a motor vehicle safety inspection and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026.

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the authority delegated in this section 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 July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.

301.580. SPECIAL EVENT MOTOR VEHICLE AUCTION LICENSE, REQUIREMENTS, FEE — CORPORATE SURETY BOND REQUIRED — RULEMAKING AUTHORITY. — 1. The department of revenue may issue special event motor vehicle auction licenses under the provisions of this section. For purposes of this section, a "special event motor vehicle auction" is a motor vehicle auction which:

(1) Ninety percent of the vehicles being auctioned are at least ten years old or older;
(2) The licensee shall auction no more than three percent of the total number of vehicles presented for auction which are owned and titled in the name of the licensee or its owners; and

(3) The duration is no more than three consecutive calendar days and is held no more than three times in a calendar year by a licensee.

2. A special event motor vehicle auction shall be considered a public motor vehicle auction for purposes of sections 301.559 and 301.564.

3. Special event motor vehicle auction licensees shall be exempt from the requirements of section 301.560, with the exception of subdivision (4) of subsection 1 of section 301.560.

4. An application for a special event motor vehicle auction license must be received by the department at least ninety days prior to the beginning of the special event auction.

5. Applicants for a special motor vehicle auction are limited to no more than three special event auctions in any calendar year. A separate application is required for each special event motor vehicle auction.

6. At least ninety percent of the vehicles being auctioned at a special event motor vehicle auction shall be ten years old or older. The licensee shall, within ten days of the conclusion of a special event motor vehicle auction, submit a report in the form approved by the director to the department that includes the make, model, year, and vehicle identification number of each vehicle included in the auction. Every vehicle included in the special event auction shall be listed, including those vehicles that were auctioned and sold and those vehicles that were auctioned but did not sell. Violation of this subsection is a class A misdemeanor.

7. The applicant for the special event motor vehicle auction shall be responsible for ensuring that a sales tax license or special event sales tax license is obtained for the event if one is required.

8. The fee for a special event motor vehicle auction license shall be one thousand dollars. For every vehicle auctioned in violation of subsection 6 of this section, an administrative fee of five hundred dollars shall be paid to the department. Such fees shall be deposited in like manner as other license fees of this section.

9. In addition to the causes set forth in section 301.562, the department may promulgate rules that establish additional causes to refuse to issue or to revoke a special event license.

10. A special motor vehicle auction shall last no more than three consecutive days.

11. The applicant for a special event motor vehicle auction shall be registered to conduct business in this state.

12. Every applicant for a special event motor vehicle auction license shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-102 issued by any state or federal financial institution in the penal sum of one hundred thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the applicant complying with the provisions of the statutes applicable to a special event auction license holder and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the revocation or denial of a special event auction license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary. The aggregate liability of the surety or financial institution to the aggrieved parties shall not exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.

13. No dealer, driveaway, auction, or wholesale plates, or temporary permit booklets, shall be issued in conjunction with a special event motor vehicle auction license.

14. Any person or entity who sells a vehicle at a special event motor vehicle auction shall provide, to the buyer, current contact information including, but not limited to, name, address, and telephone number.

15. 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.

302.185. DUPLICATE 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**, but not where [the] 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.

302.188. VETERAN DESIGNATION ON DRIVER'S LICENSED OR ID CARD, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. A person may apply to the department of revenue to

obtain a veteran designation on a driver's license or identification card issued under this chapter by providing:

(1) A United States Department of Defense discharge document, otherwise known as a DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States; and

(2) 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.

302.341. MOVING TRAFFIC VIOLATION, FAILURE TO PREPAY FINE OR APPEAR IN COURT, LICENSE SUSPENDED, PROCEDURE — REINSTATEMENT WHEN — EXCESSIVE REVENUE FROM FINES TO BE DISTRIBUTED TO SCHOOLS — DEFINITION, STATE HIGHWAYS. — 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record **if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense.** The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town or village receives more than thirty-five percent of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways, all revenues from such violations in excess of thirty-five percent of the annual general operating revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number. The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, or village disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, or village may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

302.700. CITATION OF LAW — DEFINITIONS. — 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

(1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;

(3) **"CDLIS driver record", the electronic record of the individual commercial driver's status and history stored by the state of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;**

(4) **"CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS driver record which meets the requirements for access to CDLIS information and is provided by states to users authorized in 49 CFR Part 384, subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;**

(5) "Commercial driver's instruction permit", a permit issued pursuant to section 302.720;

[(4)] (6) "Commercial driver's license", a license issued by this state to an individual which authorizes the individual to operate a commercial motor vehicle;

[(5)] (7) **"Commercial driver's license downgrade", occurs when:**

(a) **A driver changes the self-certification to interstate, but operates exclusively in transportation or operation excepted from 49 CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2, 391.68, or 398.3;**

(b) **A driver changes the self-certification to intrastate only, if the driver qualifies under the state's physical qualification requirements for intrastate only;**

(c) **A driver changes the self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or**

(d) **The state removes the commercial driver's license privilege from the driver's license;**

(8) "Commercial driver's license information system (**CDLIS**)", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

[(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to transport passengers or property:

(a) If the vehicle has a gross combination weight rating of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand one pounds or more;

(b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds or such lesser rating as determined by federal regulation;

(c) If the vehicle is designed to transport sixteen or more passengers, including the driver;

or

(d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801, et seq.);

[(7)] (10) "Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules I through V of 21 CFR part 1308, as they may be revised from time to time;

[(8)] (11) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

[(9)] (12) "Director", the director of revenue or his authorized representative;

[(10)] (13) "Disqualification", any of the following three actions:

(a) The suspension, revocation, or cancellation of a commercial driver's license;

(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a state, **Canada, or Mexico** as the result of a violation of federal, state, county, municipal, or local law relating to motor vehicle traffic control or violations committed through the operation of motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

[(11)] (14) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

[(12)] (15) "Driver", any person who drives, operates, or is in physical control of a motor vehicle, or who is required to hold a commercial driver's license;

(16) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license in this state;

[(13)] (17) "Driving under the influence of alcohol", the commission of any one or more of the following acts:

(a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as prescribed by the secretary or such other alcohol concentration as may be later determined by the secretary by regulation;

(b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance;

(c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance;

(d) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to

section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more;

[(14)] **(18)** "Driving under the influence of a controlled substance", the commission of any one or more of the following acts in a commercial or noncommercial motor vehicle:

(a) Driving a commercial or noncommercial motor vehicle while under the influence of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they may be revised from time to time;

(b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

(c) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance;

[(15)] **(19)** "Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle;

(20) "Endorsement", an authorization on an individual's commercial driver's license permitting the individual to operate certain types of commercial motor vehicles;

[(16)] **(21)** "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when transporting fertilizers as defined in subdivision [(21)] **(27)** of this subsection;

[(17)] **(22)** "Fatality", the death of a person as a result of a motor vehicle accident;

[(18)] **(23)** "Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(24) "Foreign", outside the fifty states of the United States and the District of Columbia;

[(19)] **(25)** "Gross combination weight rating" or "GCWR", the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon;

[(20)] **(26)** "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer as the loaded weight of a single vehicle;

[(21)] **(27)** "Hazardous materials", any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered hazardous materials when transported by a farm vehicle provided all other provisions of this definition are followed;

[(22)] **(28)** "Imminent hazard", the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begins to lessen the risk of that death, illness, injury, or endangerment;

[23] (29) "Issuance", the initial licensure, license transfers, license renewals, and license upgrades;

(30) "Medical examiner", a person who is licensed, certified, or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic;

(31) "Medical variance", when a driver has received one of the following that allows the driver to be issued a medical certificate:

(a) An exemption letter permitting operation of a commercial motor vehicle under 49 CFR Part 381, Subpart C or 49 CFR Part 391.64;

(b) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 CFR Part 391.49;

[24] (32) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

[25] (33) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" in this section;

[26] (34) "Out of service", a temporary prohibition against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier;

[27] (35) "Out-of-service order", a declaration by [the Federal Highway Administration, or any] an authorized enforcement officer of a federal, state, [Commonwealth of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service **under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;**

[28] (36) "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;

[29] (37) "Secretary", the Secretary of Transportation of the United States;

[30] (38) "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:

(a) Excessive speeding, as defined by the Secretary by regulation;

(b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;

(c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation;

(d) Driving a commercial motor vehicle without obtaining a commercial driver's license in violation of any federal or state or county or municipal ordinance;

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;

(f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance; or

(g) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the secretary by regulation;

~~[(31)]~~ **(39)** "State", a state[, territory or possession] of the United States[, the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada];

~~[(32)]~~ **(40)** "United States", the fifty states and the District of Columbia.

302.768. COMPLIANCE WITH FEDERAL LAW, CERTIFICATION REQUIRED — APPLICATION REQUIREMENTS, PROCEDURE. — 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) Nonexcepted interstate: Certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) Excepted interstate: Certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) Nonexcepted intrastate: Certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) Excepted intrastate: Certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories defined in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiners certificate or a medical examiners certificate accompanied by a medical variance or waiver. The state shall retain the original or copy of the documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide an updated medical certificate or variance documents to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

5. The director shall post the medical examiners certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiners certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with

requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section.

8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled for a period of one year after the director discovers such falsification.

9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

303.200. APPROVAL OF PLAN FOR APPORTIONMENT OF SUBSTANDARD INSURANCE RISKS. — After consultation with insurance companies authorized to issue automobile liability policies in this state, the director of the department of insurance, financial institutions and professional registration shall approve a reasonable plan or plans for the equitable apportionment among such companies of applicants for such policies and for motor vehicle liability policies who are in good faith entitled to but are unable to procure such policies through ordinary methods. When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. **Any such plan shall contract with an entity or entities to accept and service applicants and policies for any company that does not elect to accept and service applicants and policies. By October 1 of each year any company that elects to accept and service applicants and policies for the next calendar year for any such plan shall so notify the plan. Any company that does not so notify a plan shall be excused from accepting and servicing applicants and policies for the next calendar year for such plan and shall pay a fee to the plan or servicing entity for providing such services. The fee shall be based on the company's market share on the kinds of insurance offered by the plan.** Any applicant for any such policy, any person insured under any such plan, and any insurance company affected, may appeal to the director from any ruling or decision of the manager or committee designated to operate such plan. Any person aggrieved hereunder by any order or act of the director may, within ten days after notice thereof, file a petition in the circuit court of the county of Cole for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree.

304.022. EMERGENCY VEHICLE DEFINED — USE OF LIGHTS AND SIRENS — RIGHT-OF-WAY — STATIONARY VEHICLES, PROCEDURE — PENALTY. — 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, **or a stationary vehicle owned by the state Highways and Transportation**

Commission and operated by an authorized employee of the department of transportation 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;

(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.

304.033. RECREATIONAL OFF-HIGHWAY VEHICLES, OPERATION ON HIGHWAYS PROHIBITED, EXCEPTIONS — OPERATION WITHIN STREAMS AND RIVERS PROHIBITED, EXCEPTIONS — LICENSE REQUIRED FOR OPERATION, EXCEPTION. — 1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway vehicle in a municipality unless such operation is authorized by such municipality as provided for in subdivision (5) of this subsection;

(4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;

(5) Governing bodies of cities may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(6) Governing bodies of counties may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

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 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;**

(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 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.

304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — IDLE REDUCTION TECHNOLOGY, INCREASE IN MAXIMUM GROSS WEIGHT PERMITTED, AMOUNT — HAULING LIVESTOCK OR MILK, TOTAL GROSS WEIGHT PERMITTED. — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term

"tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise		Maximum load in pounds			
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500

35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in [subsection 9] **subsections 9 and 10** of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway [65, and] **63**, on U.S. Highway 65 from the Iowa state line to U.S. Highway 36, **and on U.S. Highway 63 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17.** **The provisions of this subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.**

10. **Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility 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 on the Dwight D. Eisenhower System of Interstate and Defense Highways.**

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; [further, provided, however,]

(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]; further provided, however,]. **The commercial zone described in this subdivision shall be extended to also include the stretch of state route 45 from its intersection with Interstate 29 extending northwest to the city limits of any village with more than forty but fewer than fifty inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat;**

(3) The commercial zone of a city of the third classification with more than nine thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city limits along U.S. Highway 61 to the intersection of state route OO in a county of the third classification without a township form of government and with more than seventeen thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants.

4. 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.

[4.] 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.

[5.] 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.

387.040. TRANSPORTATION PROHIBITED UNTIL SCHEDULE OF RATES AND FARES IS FILED AND PUBLISHED — EXCEPTION, WHEN. — 1. No motor carrier subject to the provisions of this chapter shall engage or participate in the transportation of passengers [or household goods], between points within this state, until its schedules of rates, fares and charges shall have been filed **with the state Highways and Transportation Commission** and published in accordance with the provisions of this chapter. Any motor carrier, which shall undertake to perform any service or furnish any product or commodity unless or until the rates, tolls, fares, charges, classifications and rules and regulations relating thereto, applicable to such service, product or commodity, have been filed with the Highways and Transportation Commission and published in accordance with the provisions of this chapter, shall be subject to forfeiture to the state pursuant to the provisions of sections 390.156 to 390.176.

2. [Notwithstanding subsection 1 of this section, a motor carrier shall not be required to file its schedules of rates, fares, and charges for shipments of household goods that are transported wholly or exclusively within a commercial zone as defined in 390.020 or within a commercial zone established by the Highways and Transportation Commission pursuant to the provisions of subdivision (4) of section 390.041.] **Notwithstanding any provision of this chapter or chapter 390 to the contrary, a motor carrier transporting household goods in intrastate commerce shall not be required to file its schedule of rates, fares, and charges with the state Highways and Transportation Commission. In lieu of filing its schedules of rates, fares, charges, rules, or tolls with the state Highways and Transportation Commission, a motor carrier transporting household goods in intrastate commerce shall maintain and**

publish its schedules of rates, fares, charges, rules, and tolls in every station or office as described in subsection 3 of section 387.050 and such rates shall be available for inspection by the state Highways and Transportation Commission, shippers, and the public upon request. Any motor carrier transporting household goods in intrastate commerce that fails to comply with the provisions of this subsection shall be subject to forfeiture to the state pursuant to the provisions of sections 390.156 to 390.176.

387.050. RATES AND FARES, FILING AND PUBLICATION. — 1. Every motor carrier shall file with the [division of motor carrier and railroad safety] **state Highways and Transportation Commission** and shall print and keep open to public inspection schedules showing the rates, fares and charges for the transportation of passengers and household goods within this state between each point upon its route and all other points thereon and between each point upon its route and all points upon every route leased, operated or controlled by it and between each point on its route or upon any route leased, operated or controlled by it and all points upon the route of any other motor carrier, whenever a through route and joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the several carriers in such through route shall file, print and keep open to public inspection, as aforesaid, the separately established rates, fares and charges applied to the through transportation. **Beginning August 28, 2012, motor carriers shall not be required to file their schedules showing the rates, fares, rules, and charges for the transportation of household goods within this state but shall print and keep open for public inspection such schedules in accordance with this section and section 387.040.**

2. The schedules printed as aforesaid shall plainly state the places between which household goods and passengers will be carried, and shall also contain the classification of passengers or household goods in force, and shall also state separately all terminal charges, storage charges, icing charges and all other charges which the [division] **state Highways and Transportation Commission** may require to be stated, all privileges or facilities granted or allowed, and any rules or regulations which may in any way change, affect or determine any part or the aggregate of such aforesaid rates, fares and charges, or the value of the service rendered to the passenger, shipper or consignee.

3. Such schedules shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and for convenient inspection by the public in every station or office of such carrier where passengers or household goods are respectively received for transportation, when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets for transportation or tickets covering bills of lading or receipts for household goods are issued. All or any of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person.

4. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person and that the agent will assist any such person to determine from such schedules any transportation rates or fares or rules or regulations which are in force shall be kept posted by the carrier in two public and conspicuous places in every such station or office.

5. The form of every such schedule shall be prescribed by the [division] **state Highways and Transportation Commission**.

6. The [division] **state Highways and Transportation Commission** shall have power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of such schedules as may be found expedient, and to modify the requirements of this section in respect to publishing, posting and filing of schedules either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

387.080. CONCURRENCE IN JOINT TARIFFS — CONTRACTS, AGREEMENTS OR ARRANGEMENTS BETWEEN ANY CARRIERS — PROHIBITION FOR HOUSEHOLD GOODS. — 1.

The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the [division of motor carrier and railroad safety] **state Highways and Transportation Commission** such evidence of concurrence therein or acceptance thereof as may be required or approved by the [division] **state Highways and Transportation Commission**; and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the same also to file copies of the tariffs in which they are named as parties. **The provisions of this subsection shall not apply to motor carriers of household goods. Carriers of household goods participating in through routes or interline service shall publish joint tariffs and evidence of concurrence or acceptance thereof or individual tariffs for each participating carrier in accordance with sections 387.040 and 387.050.**

2. Every motor carrier shall file with the [division] **state Highways and Transportation Commission** sworn copies of every contract, agreement or arrangement with any other motor carrier or motor carriers relating in any way to the transportation of passengers [or property].

3. **Motor carriers of household goods are prohibited from participation in any joint tariff pursuant to the provisions of this chapter, except that this subsection shall not prohibit joint tariffs relating to joint rates for household goods transportation over any through routes or by interline service performed by two or more separate motor carriers.**

387.110. PREFERENCE TO LOCALITY OR PARTICULAR TRAFFIC, PROHIBITED. — [1.] No motor carrier shall make or give any undue or unreasonable preference or advantage to any person or corporation or to any locality or to any particular description of traffic in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

[2. Notwithstanding any other provision of law to the contrary, no common carrier of household goods shall use any schedule of rates or charges, or both, for the transportation of household goods within this state which divides this state into territorial rate areas. Any schedule of rates or charges, or both, which divides, or attempts to divide, this state into territorial rate areas is unjust, unreasonable, and invalid.]

387.137. HOUSEHOLD GOODS TRANSPORTATION IN INTRASTATE COMMERCE, COMMISSION TO ESTABLISH CONSUMER PROTECTION REQUIREMENTS. — **The state Highways and Transportation Commission shall establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and establish a system for filing, logging, and responding to consumer complaints.**

387.139. MOVEMENT OF HOUSEHOLD GOODS IN INTRASTATE COMMERCE, COMPLAINTS — INFORMATION FILE TO BE KEPT, CONTENTS, FORM — RULEMAKING AUTHORITY. — 1. **The division of motor carrier services shall keep an information file about each complaint filed with it regarding the movement of household goods in intrastate commerce. The division of motor carrier service's information file shall be kept current and contain a record for each complaint of:**

- (1) **All persons contacted in relation to the complaint;**
- (2) **A summary of findings in response to the complaint;**
- (3) **An explanation of the reason for a complaint that is dismissed; and**
- (4) **Any other relevant information.**

2. **If a written complaint is filed with the division that is within the division's jurisdiction, the division, at least as frequently as quarterly and until final disposition of the complaint, shall notify the complainant of the status of the complaint unless the notice would jeopardize an ongoing investigation.**

3. The state Highways and Transportation Commission shall adopt by rule a form to standardize information concerning complaints made to the division of motor carriers regarding the transportation of household goods. The commission shall prescribe by rule information to be provided to a person when the person files a complaint with the division of motor carrier services.

4. The state Highways and Transportation Commission shall promulgate rules and regulations for the implementation and administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

387.207. AUTHORITY OF DIVISION TO FIX RATES, TOLLS, CHARGES AND SCHEDULES. —

1. All rates, tolls, charges, schedules and joint rates fixed by the [division] **state Highways and Transportation Commission** with reference to the transportation of passengers [or household goods] by motor carrier shall be in force and shall be prima facie lawful, and all regulations, practices and services prescribed by the [division] **commission** shall be in force and shall be prima facie lawful and reasonable until found otherwise in a suit brought for that purpose pursuant to the provisions of this chapter.

2. All rates, tolls, charges, schedules, and joint rates published in accordance with subsection 3 of section 387.050 with reference to the transportation of household goods by motor carrier shall be in force and shall be prima facie lawful, and all regulations, practices and services prescribed by the **state Highways and Transportation Commission** shall be in force and shall be prima facie lawful and reasonable until found otherwise in a suit brought for that purpose under the provisions of this chapter.

387.355. RATE ORDERS VACATED FOR TRANSPORTATION OF HOUSEHOLD GOODS IN INTRASTATE COMMERCE, WHEN, LIMITATION. — On August 28, 2012, all rate orders issued by the **state Highways and Transportation Commission** or its predecessors affecting the transportation of household goods by common carriers in intrastate commerce, pursuant to the authority of any of the provisions in this chapter or chapter 390, shall be vacated and set aside, but only to the extent that those rate orders require or prescribe any minimum rates, maximum rates, or minimum-and-maximum rates for the transportation of household goods by common carriers in intrastate commerce. This section shall not vacate or set aside any other requirements or provisions contained in those rate orders.

390.051. CERTIFICATE REQUIRED FOR COMMON CARRIERS OF HOUSEHOLD GOODS OR PASSENGERS TO DO BUSINESS — APPLICATION, CONTENT — ISSUED WHEN. — 1. Except as otherwise provided in section 390.030, no person shall engage in the business of a common carrier of household goods or passengers in intrastate commerce on any public highway in this state unless there is in force with respect to such carrier a certificate issued by the [division] **state Highways and Transportation Commission** authorizing such operations.

2. Application for a certificate shall be made in writing to the [division] **state Highways and Transportation Commission** and shall contain such information as the [division] **state Highways and Transportation Commission** shall, by rule, require and shall include:

(1) Full information concerning the ownership, financial [condition] **status** of applicant through the submission of documentation describing assets, liabilities, and capital,

equipment to be used and a statement listing the physical equipment of applicant and the reasonable value thereof;

(2) The complete route or routes over which the applicant desires to operate, or territory to be served; **except that the state Highways and Transportation Commission shall not restrict any certificate or permit authorizing the transportation of household goods or passengers with reference to any route or routes; except that the state Highways and Transportation Commission shall restrict the applicant's registration against the transportation of any hazardous material as designated in Title 49, Code of Federal Regulations, if the state Highways and Transportation Commission finds that the applicant has not shown it is qualified to safely transport that hazardous material in compliance with all registration, liability insurance, and safety requirements applicable to the transportation of that hazardous material pursuant to Title 49, Code of Federal Regulations;**

(3) The proposed rates, schedule or schedules, or timetable of the applicant.

3. [Except as provided for in subsection 4 of this section, if the division] **If the state Highways and Transportation Commission finds that an applicant seeking to transport [general and specialized commodities in truckload lots, agricultural commodities in bulk in dump trucks] household goods, or passengers [in charter service] is fit, willing and able to properly perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations of the [division] state Highways and Transportation Commission established thereunder, a certificate therefor shall be issued.**

4. [If the division finds that an applicant seeking to transport:

(1) General and specialized commodities in less-than-truckload lots;

(2) Commodities in bulk in dump trucks, other than agricultural commodities in bulk in dump trucks, as defined in section 390.020;

(3) Mobile homes;

(4) Household goods;

(5) Passengers other than in charter service;

(6) Gasoline, fuel oil or liquefied petroleum gas;

(7) Boats; is fit, willing and able to properly perform the service proposed, and to conform to the provisions of this chapter and the requirement, rules and regulations of the division, and that the service proposed will serve a useful present or future public purpose, a certificate therefor specifying the service authorized shall be issued, unless the division finds on the basis of evidence presented by persons objecting to the issuance of a certificate that the transportation to be authorized by the certificate will be inconsistent with the public convenience and necessity.

5. In making findings under subsection 4 of this section, the division shall consider the testimony of the applicant, the proposed users of the service contemplated by the applicant, and any other relevant testimony or evidence, and the division shall consider, and to the extent applicable, make findings on at least the following:

(1) The transportation policy of section 390.011; and

(2) The criteria set forth in this subsection. In cases where persons object to the issuance of a certificate, the diversion of revenue or traffic from existing carriers shall be considered.

6.] The [division] **state Highways and Transportation Commission** shall streamline and simplify to the maximum extent practicable the process for issuance of certificates to which the provisions of this section apply. **The state Highways and Transportation Commission is authorized to enter into interagency agreements with any entity created and operating under the provisions of section 67.1800 to 67.1822 to deal with any public safety issues that may arise as a result of the provisions of this section.**

[7.] **5.** The [division] **state Highways and Transportation Commission** shall dismiss on its motion any application for substantially the same common [or contract] authority that has been previously denied within six months of filing the subsequent application.

390.054. MOVERS OF HOUSEHOLD GOODS IN INTRASTATE COMMERCE, PROOF OF WORKER'S COMPENSATION INSURANCE COVERAGE REQUIRED. — **Beginning August 28, 2012, and continuing thereafter, no certificate or permit to transport household goods in intrastate commerce shall be issued or renewed unless the applicant demonstrates that the applicant has workers' compensation insurance coverage that complies with chapter 287, for all employees. If any household goods carrier subject to the provisions of this chapter or chapter 387 is found by the division of workers' compensation to be out of compliance with chapter 287, the division shall report such fact to the state Highways and Transportation Commission. The commission shall suspend the household goods carrier's certificate or permit pursuant to section 390.106 until such time the carrier demonstrates that it has procured workers' compensation insurance coverage that complies with chapter 287.**

390.061. CONTRACT CARRIERS OF HOUSEHOLD GOODS OR PASSENGERS TO HAVE PERMIT — APPLICATION, CONTENTS — ISSUANCE — CONTRACT RATES — INTERAGENCY AGREEMENTS. — 1. Except as otherwise provided in section 390.030, no person shall engage in the business of a contract carrier **of household goods or passengers** in intrastate commerce on any public highway in this state unless there is in force with respect to such carrier a permit issued by the [division of motor carrier and railroad safety] **state Highways and Transportation Commission** authorizing such operations.

2. Applications for such permits shall be made to the [division] **state Highways and Transportation Commission** in writing and shall contain such information as the [division] **state Highways and Transportation Commission** shall, by rule, require and shall include:

(1) Full information concerning the ownership, financial [condition] **status** of applicant **through the submission of documentation describing assets, liabilities, and capital**, equipment to be used and a statement listing the physical equipment of applicant and the reasonable value thereof;

(2) The complete route or routes over which the applicant desires to operate, or territory to be served; **except that the state Highways and Transportation Commission shall not restrict any certificate or permit authorizing the transportation of household goods or passengers with reference to any route or routes; except that the state Highways and Transportation Commission shall restrict the applicant's registration against the transportation of any hazardous material as designated in Title 49, Code of Federal Regulations, if the state Highways and Transportation Commission finds that the applicant has not shown it is qualified to safely transport that hazardous material in compliance with all registration, liability insurance, and safety requirements applicable to the transportation of that hazardous material pursuant to Title 49, Code of Federal Regulations.**

3. If the [division] **state Highways and Transportation Commission** shall find that the applicant is seeking to transport [general and specialized commodities in truckload lots, agricultural commodities in bulk,] **household goods**, or passengers [in charter service], and is fit, willing and able to properly perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations of the [division] **state Highways and Transportation Commission** thereunder, a permit therefor shall be issued.

4. [If the division finds that an applicant seeking to transport commodities or passengers as described in subsection 4 of section 390.051 is fit, willing and able to properly perform the service proposed, and to conform to the provisions of this chapter and the requirements, rules and regulations of the division, and that the service proposed will serve a useful present or future purpose, a permit therefor specifying the service authorized shall be issued, unless the division finds on the basis of evidence presented by persons objecting to the issuance of a permit that the transportation to be authorized by the permit will be inconsistent with the public convenience and necessity.

5.] Any permit issued under this section shall specify the service to be rendered, the contracting parties, and the [points or] area to be served.

[6.] **5.** The [division] **state Highways and Transportation Commission** will not have jurisdiction over contract rates. A copy of the original contract must be filed with the [division] **state Highways and Transportation Commission** prior to issuance of a permit. In the event the applicant chooses not to disclose contract rates in the application, the contract shall contain in lieu of rates a specific provision which incorporates by reference a schedule of rates, in writing, to be effective between carrier and shipper. Current contracts and rate schedules must be maintained by the carrier and contracting shippers. A contract permit, authorizing the transportation of [commodities] **household goods** or passengers [other than as described in subsection 4 of section 390.051], may be amended to include additional contracting parties by the filing of said contracts with the [division] **state Highways and Transportation Commission** and acknowledgment by the [division] **state Highways and Transportation Commission**.

6. The **state Highways and Transportation Commission** is authorized to enter into interagency agreements with any entity created and operating under the provisions of section 67.1800 to 67.1822 to deal with any public safety issues that may arise as a result of the provisions of this section.

390.116. THROUGH ROUTES AND JOINT RATES ESTABLISHED BY COMMON CARRIERS OF HOUSEHOLD GOODS, WHEN. — 1. Common carriers of [property] **household goods** may establish reasonable through routes **or interline service** and joint rates, charges and classifications with other such carriers or with common carriers by railroad or express; and common carriers of passengers may establish reasonable through routes and joint rates, fares or charges with other such carriers or with common carriers by railroad. In case of such joint rates, fares, charges or classifications, it shall be the duty of the **participating** carriers[, parties thereto,] to establish just and reasonable regulations and practices in connection therewith, and just, reasonable and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such participating carriers **and shall not result in any rate, fare, charge, classification, regulation, or practice that is unjust or unreasonable to the shipper or receiver of the household goods.** Carriers of household goods participating in through routes or interline service shall publish joint tariffs and evidence of concurrence or acceptance thereof, in accordance with section 387.080, or individual tariffs for each participating carrier, which shall set forth the joint or individual rates, fares, charges, classifications, regulations, practices, and division of rates applicable to such through routes or interline service, all in accordance with the applicable provisions in chapter 387.

2. The [division] **state Highways and Transportation Commission** may, whenever deemed by it to be necessary or desirable in the public interest, after hearing, upon complaint or upon its own motion, order the establishment of just and reasonable through routes and joint rates, fares, charges, regulations or practices, applicable to the transportation of passengers [or property] by common carriers.

390.280. CERTIFICATES ISSUED PRIOR TO JANUARY 1, 1995, VOID, WHEN — CERTIFICATE OWNERS QUALIFIED AS REGISTERED PROPERTY CARRIERS, WHEN — HAZARDOUS MATERIALS, TRANSPORTATION OF, EFFECT OF LAW UPON — GEOGRAPHIC RESTRICTION VOID, WHEN. — 1. Certificates or permits, or both, which were issued before January 1, 1995, and which authorized a person to transport any property in intrastate commerce by motor vehicle as a common carrier or contract carrier, or both, are void, except that to the extent such certificates or permits, or portions thereof, authorized a person to transport household goods over irregular routes or passengers in intrastate commerce, or any property or passengers

in interstate commerce, those certificates or permits, or portions thereof, are exempt from the provisions of this subsection.

2. Persons who owned certificates or permits, or both, that were in active status with the division on December 31, 1994, and persons to whom the division issued certificates and permits after December 31, 1994, pursuant to emergency rules adopted by the division, are deemed to be qualified as registered property carriers, unless the person's certificate or permit has been suspended, revoked or transferred to another person as provided by law. A person deemed qualified pursuant to this subsection is not required to file an application pursuant to section 390.290 to continue providing intrastate transportation as a registered property carrier, but rather, upon such person's compliance with the licensing and insurance requirements of the division the person is deemed to have a property carrier registration in force as required pursuant to section 390.270, authorizing the person to transport property except household goods in intrastate commerce on the public highways, unless the person's property carrier registration is suspended, revoked or transferred to another person as provided by law. Within a reasonable time after August 28, 1996, the division shall issue property carrier registrations to all persons who are deemed to be qualified as registered property carriers and deemed to have property carrier registrations in force pursuant to this subsection.

3. Notwithstanding any provision of this section to the contrary, this section shall not be construed as authorizing any person to transport any hazardous material as designated in Title 49, Code of Federal Regulations, except hazardous materials which that person was expressly authorized to transport in intrastate commerce within this state on August 28, 1996. A person may file an application for property carrier registration pursuant to section 390.290 to transport additional hazardous materials. Nothing in this section shall be construed to conflict with chapter 260, or of relieving an applicant of any duty to obtain a license pursuant to chapter 260.

4. Notwithstanding any provision of the law, any geographic restriction or provision limiting the carrier's scope of authority to particular routes within this state contained in a certificate or permit, or both, authorizing the transportation of household goods in intrastate commerce, which was issued prior to August 28, 2012, and any similar provision contained in a carrier's tariff schedule filed prior to such date, shall be deemed void. In lieu of the geographic restrictions expressed in such certificates, permits, or tariff schedules, a motor carrier shall be authorized to provide intrastate transportation of household goods between all points and destinations within the state until such time the certificates, permits, and tariff schedules are reissued or amended to reflect the motor carrier's statewide operating authority. Nothing contained in the provisions of sections 390.051 to 390.116 shall be construed to exempt or to alter the obligation of compliance by carriers transporting passengers point-to-point within the jurisdiction described in 67.1802 from the provisions of sections 67.1800 to 67.1822.

SECTION B. CONTINGENT EFFECTIVE DATE. — The repeal and reenactment of section 302.700 and the enactment of section 302.768 of this act shall become effective on the date the director of the department of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768, or on May 1, 2013, whichever occurs first. If the director of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768 prior to May 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

SECTION C. CONTINGENT EFFECTIVE DATE. — The repeal and reenactment of section 301.140 of this act shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director of the department of revenue begins

producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

SECTION D. EFFECTIVE DATE. — The repeal and reenactment of section 301.147 shall become effective July 1, 2015.

Approved July 12, 2012

SB 480 [CCS HCS#2 SCS SB 480]

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

Modifies law with respect to motor vehicles and outboard motor titles

AN ACT to repeal sections 67.548, 67.1421, 67.1561, 70.441, 144.030, 260.392, 301.010, 301.449, 301.3150, 301.3161, 302.060, 302.304, 302.309, 302.341, 302.525, 302.700, 303.200, 304.120, 306.532, and 577.023, RSMo, and to enact in lieu thereof twenty-nine new sections relating to transportation, with penalty provisions and a contingent effective date for certain sections and an effective date for certain sections.

SECTION

- A. Enacting clause.
 - 67.548. County commission of certain counties approving sales tax, authorized actions — share to other political subdivisions, how distributed (Clay and Platte counties).
 - 67.1421. Public hearing to establish — petition, requirements — clerk's duties — amended petition — clerk to report.
 - 67.1422. Establishment of district subject to vote, ballot language — repeal or amendment of property tax, when.
 - 67.1561. Statute of limitations.
 - 70.441. Definitions — provisions to apply in interpreting this section — prohibited acts — violation of section, penalty — subsequent violations, penalty — juvenile offenders, jurisdiction — stalled vehicles, removal.
 - 144.030. Exemptions from state and local sales and use taxes.
 - 227.509. Darrell B. Roegner Memorial Highway designated for a portion of Highway 64/40 in St. Charles County.
 - 227.510. Trooper Fred F. Guthrie Jr. Memorial Highway designated for a portion of Interstate 29 in Platte County.
 - 227.513. Purple Heart Trail designated for a portion of I-70 and I-44.
 - 260.392. Definitions — fees for transport of radioactive waste — deposit of moneys, use — notice of shipments — sunset provision.
 - 301.010. Definitions.
 - 301.449. Colleges and universities emblems on licenses, procedure to use — contribution to institution — fee for special license plate.
 - 301.3150. Procedure for approval, exceptions — transfer of moneys collected.
 - 301.3161. Cass County — The Burnt District special license plate authorized, fee.
 - 301.4036. National Wild Turkey Federation special license plate, application, fee.
 - 301.4040. PROUD SUPPORTER (American Red Cross) special license plate, application, fee.
 - 302.060. License not to be issued to whom, exceptions — reinstatement requirements.
 - 302.304. Notice of points — suspension or revocation of license, when, duration — reinstatement, condition, point reduction, fee — failure to maintain proof of financial responsibility, effect — point reduction prior to conviction, effect — surrender of license — reinstatement of license when drugs or alcohol involved, assignment recommendation, judicial review — fees for program — supplemental fees.
 - 302.309. Return of license, when — limited driving privilege, when granted, application, when denied — judicial review of denial by director of revenue — rulemaking.
 - 302.341. Moving traffic violation, failure to prepay fine or appear in court, license suspended, procedure — reinstatement when — excessive revenue from fines to be distributed to schools — definition, state highways.
 - 302.525. Suspension or revocation, when effective, duration — restricted driving privilege — effect of suspension or revocation by court on charges arising out of same occurrence — revocation due to alcohol-related offenses, requirements.
 - 302.700. Citation of law — definitions.
 - 302.768. Compliance with federal law, certification required — application requirements, procedure.
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- 303.200. Approval of plan for apportionment of substandard insurance risks.
- 304.033. Recreational off-highway vehicles, operation on highways prohibited, exceptions — operation within streams and rivers prohibited, exceptions — license required for operation, exception.
- 304.120. Municipal regulations — owner or lessor not liable for violations, when.
- 306.532. Certificate of title to designate year of manufacture
- 577.023. Aggravated, chronic, persistent and prior offenders — enhanced penalties — imprisonment requirements, exceptions — procedures — definitions.
 - 1. National Rifle Association special license plate, application, fee.
 - B. Contingent effective date.
 - C. Effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 67.548, 67.1421, 67.1561, 70.441, 144.030, 260.392, 301.010, 301.449, 301.3150, 301.3161, 302.060, 302.304, 302.309, 302.341, 302.525, 302.700, 303.200, 304.120, 306.532, and 577.023, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 67.548, 67.1421, 67.1422, 67.1561, 70.441, 144.030, 227.509, 227.510, 227.513, 260.392, 301.010, 301.449, 301.3150, 301.3161, 301.4036, 301.4040, 302.060, 302.304, 302.309, 302.341, 302.525, 302.700, 302.768, 303.200, 304.033, 304.120, 306.532, 577.023, and 1, to read as follows:

67.548. COUNTY COMMISSION OF CERTAIN COUNTIES APPROVING SALES TAX, AUTHORIZED ACTIONS — SHARE TO OTHER POLITICAL SUBDIVISIONS, HOW DISTRIBUTED (CLAY AND PLATTE COUNTIES). — 1. In any first or second class county not having a charter form of government, which contains all or any part of a city with a population of greater than four hundred thousand inhabitants, in which the voters have approved a sales tax as provided by section 67.547, the county commission may:

(1) Reduce or eliminate the county general fund levy, the special road and bridge levy, or the park levy; [and]

(2) Grant county [sales tax] revenues to cities, towns and villages and to special road districts organized pursuant to chapter 233;

(3) Enter into agreements with cities, towns, villages, and special road districts organized under chapter 233 for the purpose of working cooperatively on the roads and bridges located within the county, including the distribution of funds to such entities in addition to those funds described in subsection 2 of this section.

2. [If the county commission reduces a special road and bridge tax levy pursuant to this section which results in a reduction of revenue available to a city, town or village or to a special road district organized pursuant to chapter 233, the commission shall in that year in which the reduction of revenue occurs set aside and place to the credit of each such entity sales tax revenues in an amount at least equal to that which each such entity would have otherwise been entitled from the special road and bridge tax levy, had it not been for such reduction. In subsequent years, each such entity shall receive from the county an amount of sales tax revenue equal to the amount of special road and bridge tax revenue that each such entity would have received in that year, but for the reduction in the special road and bridge tax. The county shall transfer such sales tax revenue to each such entity in twelve equal monthly installments during each year in which such entity is entitled to receive such sales tax revenue] **In any county in which the voters have approved a sales tax as provided by section 67.547, each city, town, village, and special road district organized under chapter 233 shall continue to receive its share of the county's special road and bridge levy, if any, that is annually considered by the county commission. In the event that the annual special road and bridge levy is not set at a level of at least fourteen cents on each one hundred dollars assessed valuation, the county commission shall allocate additional funds from any available county source to the cities, towns, villages, and special road districts located within the county in an amount that will, when combined with the revenues received from the special road and bridge**

levy, distribute funds to such entities in an amount that is at least equal to the funding level of fourteen cents on each one hundred dollars assessed valuation. Additionally, any city, town, or village which contains at least fifty percent of a special road district organized under chapter 233 shall be entitled to receive the road district's portion of any funds not paid through the special road and bridge levy. Any funds paid under this subsection shall be paid as if the funds were paid under the county's special road and bridge levy.

67.1421. PUBLIC HEARING TO ESTABLISH — PETITION, REQUIREMENTS — CLERK'S DUTIES — AMENDED PETITION — CLERK TO REPORT. — 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement as to whether the district will be a political subdivision or a not-for-profit corporation and if it is to be a not-for-profit corporation, the name of the not-for-profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the district or whether the board will be appointed by the municipality, and, if the board is to be elected by the district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district;

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate; [and]

section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development.

67.1422. ESTABLISHMENT OF DISTRICT SUBJECT TO VOTE, BALLOT LANGUAGE — REPEAL OR AMENDMENT OF PROPERTY TAX, WHEN. — 1. Notwithstanding sections 67.1531, 67.1545, and 67.1551, if the petition was filed pursuant to subdivision (5) of subsection 2 of section 67.1421, by a governing body of the city, the governing body may adopt an ordinance approving the petition and submit a ballot to the qualified voters of the district; the question shall be in substantially the following form:

Shall the community improvement district, to be known as the "..... Community Improvement District" approved by the (insert governing body) be established for the purpose of (here summarize the proposed improvements and services) and be authorized to impose a real property tax upon (all real property) within the district at a rate of not more than ten cents per hundred dollars assessed valuation for a period of ten years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of purpose) in the district?

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".

The governing body of the city shall not submit the question to the qualified voters of the district on more than one occasion.

2. A district levying a real property tax pursuant to this section may repeal or amend such real property tax or lower the tax rate of such tax if such repeal, amendment or lower rate will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or obligations that it has issued to finance any improvements or services rendered within the district.

3. An election conducted under this section may be conducted in accordance with the provisions of chapter 115, or by mail-in ballot.

67.1561. STATUTE OF LIMITATIONS. — No lawsuit to set aside a district established, or a special assessment or a tax levied under sections 67.1401 to 67.1571 or to otherwise question the validity of the proceedings related thereto shall be brought after the expiration of ninety days from the effective date of the ordinance establishing such district in question **or the election establishing a district pursuant to section 67.1422** or the effective date of the resolution

levying such special assessment or tax in question or the effective date of a merger of two districts under section 67.1485.

70.441. DEFINITIONS — PROVISIONS TO APPLY IN INTERPRETING THIS SECTION — PROHIBITED ACTS — VIOLATION OF SECTION, PENALTY — SUBSEQUENT VIOLATIONS, PENALTY — JUVENILE OFFENDERS, JURISDICTION — STALLED VEHICLES, REMOVAL. — 1. As used in this section, the following terms have the following meanings:

- (1) "Agency", the bi-state development agency created by compact under section 70.370;
- (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or train, locomotive, or other vehicle used or held for use by the agency as a means of transportation of passengers;
- (3) "Facilities" includes all property and equipment, including, without limitation, rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices, parking lots and other real estate or personal property used or held for or incidental to the operation, rehabilitation or improvement of any public mass transportation system of the agency;
- (4) "Person", any individual, firm, copartnership, corporation, association or company; and
- (5) "Sound production device" includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device and any sound amplifier.

2. In interpreting or applying this section, the following provisions shall apply:

- (1) Any act otherwise prohibited by this section is lawful if specifically authorized by agreement, permit, license or other writing duly signed by an authorized officer of the agency or if performed by an officer, employee or designated agent of the agency acting within the scope of his or her employment or agency;
- (2) Rules shall apply with equal force to any person assisting, aiding or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting another in the avoidance of any of the requirements of the rules; and
- (3) The singular shall mean and include the plural; the masculine gender shall mean the feminine and the neuter genders; and vice versa.

3. (1) No person shall use or enter upon the light rail conveyances of the agency without payment of the fare or other lawful charges established by the agency. Any person on any such conveyance must have properly validated fare media in his possession. This ticket must be valid to or from the station the passenger is using, and must have been used for entry for the trip then being taken;

(2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare media to gain entry to the facilities or conveyances of, or make use of the services of, the agency, except as provided, authorized or sold by the agency and in accordance with any restriction on the use thereof imposed by the agency;

(3) No person shall enter upon parking lots designated by the agency as requiring payment to enter, either by electronic gate or parking meters, where the cost of such parking fee is visibly displayed at each location, without payment of such fees or other lawful charges established by the agency;

(4) Except for employees of the agency acting within the scope of their employment, no person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass, badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to or use of the facilities, conveyances or services of the agency without the written permission of an authorized representative of the agency;

(5) No person shall put or attempt to put any paper, article, instrument or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare media issued by the agency and valid for the place, time and manner in which used, into any fare

box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection instrument, receptacle, device, machine or location;

(6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with this section shall be confiscated;

(7) No person may perform any act which would interfere with the provision of transit service or obstruct the flow of traffic on facilities or conveyances or which would in any way interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances of the agency;

(8) All persons on or in any facility or conveyance of the agency shall:

(a) Comply with all lawful orders and directives of any agency employee acting within the scope of his employment;

(b) Obey any instructions on notices or signs duly posted on any agency facility or conveyance; and

(c) Provide accurate, complete and true information or documents requested by agency personnel acting within the scope of their employment and otherwise in accordance with law;

(9) No person shall falsely represent himself or herself as an agent, employee or representative of the agency;

(10) No person on or in any facility or conveyance shall:

(a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or unsanitary condition, including, but not limited to, spitting and urinating, except in facilities provided;

(b) Drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants;

(c) Enter or remain in any facility or conveyance while his ability to function safely in the environment of the agency transit system is impaired by the consumption of alcohol or by the taking of any drug;

(d) Loiter or stay on any facility of the agency;

(e) Consume foods or liquids of any kind, except in those areas specifically authorized by the agency;

(f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except in those areas or locations specifically authorized by the agency; or

(g) Throw or cause to be propelled any stone, projectile or other article at, from, upon or in a facility or conveyance;

(11) No weapon or other instrument intended for use as a weapon may be carried in or on any facility or conveyance, except for law enforcement personnel. For the purposes hereof, a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with metal, wood impregnated with metal filings or razor blades; except that this subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed case, box or other container which completely conceals the item from view and identification as a weapon;

(12) No explosives, flammable liquids, acids, fireworks or other highly combustible materials or radioactive materials may be carried on or in any facility or conveyance, except as authorized by the agency;

(13) No person, except as specifically authorized by the agency, shall enter or attempt to enter into any area not open to the public, including, but not limited to, motorman's cabs, conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment;

(14) No person may ride on the roof, the platform between rapid transit cars, or on any other area outside any rapid transit car or bus or other conveyance operated by the agency;

(15) No person shall extend his hand, arm, leg, head or other part of his or her person or extend any item, article or other substance outside of the window or door of a moving rapid transit car, bus or other conveyance operated by the agency;

(16) No person shall enter or leave a rapid transit car, bus or other conveyance operated by the agency except through the entrances and exits provided for that purpose;

(17) No animals may be taken on or into any conveyance or facility except the following:

(a) An animal enclosed in a container, accompanied by the passenger and carried in a manner which does not annoy other passengers; and

(b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs accompanying trainers carrying a certificate of identification issued by a dog school;

(18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights or safety of others or without due caution and circumspection, or at a speed in such a manner as to be likely to endanger persons or property on facilities of the agency. The speed limit on parking lots and access roads shall be posted as fifteen miles per hour unless otherwise designated.

4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any violation of this section shall constitute a misdemeanor, and any person committing a violation thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall pay a fine in an amount not less than twenty-five dollars and no greater than two hundred fifty dollars per violation, in addition to court costs. Any default in the payment of a fine imposed pursuant to this section without good cause shall result in imprisonment for not more than thirty days;

(2) Unless a greater penalty is provided by the laws of the state, any person convicted a second or subsequent time for the same offense under this section shall be guilty of a misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such fine and imprisonment;

(3) Any person failing to pay the proper fare, fee or other charge for use of the facilities and conveyances of the agency shall be subject to payment of such charge as part of the judgment against the violator. All proceeds from judgments for unpaid fares or charges shall be directed to the appropriate agency official;

(4) All juvenile offenders violating the provisions of this section shall be subject to the jurisdiction of the juvenile court as provided in chapter 211;

(5) As used in this section, the term "conviction" shall include all pleas of guilty and findings of guilt.

5. **Any person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of the bi-state development agency, as described in subdivision (3) of subsection 4 of this section, may, in addition to the unpaid fares or charges and any fines, penalties, or sentences imposed by law, be required to reimburse costs attributable to the enforcement, investigation, and prosecution of such offense by the bi-state development agency. The court shall direct the reimbursement proceeds to the appropriate agency official.**

6. (1) Stalled or disabled vehicles may be removed from the roadways of the agency property by the agency and parked or stored elsewhere at the risk and expense of the owner;

(2) Motor vehicles which are left unattended or abandoned on the property of the agency for a period of over seventy-two hours may be removed as provided for in section 304.155, except that the removal may be authorized by personnel designated by the agency under section 70.378.

144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES. — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the

computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subsection "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered

materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

~~[(5)]~~ **(6)** Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

~~[(6)]~~ **(7)** Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

~~[(7)]~~ **(8)** Animals or poultry used for breeding or feeding purposes, or captive wildlife;

~~[(8)]~~ **(9)** Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

~~[(9)]~~ **(10)** The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

~~[(10)]~~ **(11)** Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

~~[(11)]~~ **(12)** Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

~~[(12)]~~ **(13)** Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

~~[(13)]~~ **(14)** Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

~~[(14)]~~ **(15)** Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

~~[(15)]~~ **(16)** Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

~~[(16)]~~ **(17)** Tangible personal property purchased by a rural water district;

~~[(17)]~~ **(18)** All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

~~[(18)]~~ **(19)** All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

~~[(19)]~~ **(20)** All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

~~[(20)]~~ **(21)** All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

~~[(21)]~~ **(22)** All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

~~[(22)]~~ **(23)** All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section

348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

[(23)] (24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use

portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

[(24)] **(25)** All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

[(25)] **(26)** Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

[(26)] **(27)** Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

[(27)] **(28)** All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

[(28)] **(29)** Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

[(29)] **(30)** All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

[(30)] **(31)** All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

[(31)] **(32)** Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

[(32)] **(33)** Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

[(33)] **(34)** Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

[(34)] **(35)** All sales of grain bins for storage of grain for resale;

[(35)] **(36)** All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

[(36)] **(37)** All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible

personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

[(37)] **(38)** All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

[(38)] **(39)** Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

[(39)] **(40)** All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

[(40)] **(41)** Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

[(41)] **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event.

227.509. DARRELL B. ROEGNER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF HIGHWAY 64/40 IN ST. CHARLES COUNTY. — The portion of highway 64/40 between mile markers 10.2 and 12.8 in St. Charles County shall be designated the "Darrell B. Roegner Memorial Highway." Costs for such designation shall be paid by private donations.

227.510. TROOPER FRED F. GUTHRIE JR. MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF INTERSTATE 29 IN PLATTE COUNTY. — The portion of Interstate 29 in Platte County, from the intersection of Missouri 273/371 north to the intersection of Route U/E shall be designated the "Trooper Fred F. Guthrie Jr. Memorial Highway". Costs for such designation shall be paid by private donations.

227.513. PURPLE HEART TRAIL DESIGNATED FOR A PORTION OF I-70 AND I-44. — The portion of Interstate 70 from the Kansas/Missouri state line east to the Missouri/Illinois state line, and the portion of Interstate 44 within the state of Missouri to the Missouri/Oklahoma state line, shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.

260.392. DEFINITIONS — FEES FOR TRANSPORT OF RADIOACTIVE WASTE — DEPOSIT OF MONEYS, USE — NOTICE OF SHIPMENTS — SUNSET PROVISION. — 1. As used in sections 260.392 to 260.399, the following terms mean:

(1) "Cask", all the components and systems associated with the container in which spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive waste are stored;

(2) "High-level radioactive waste", the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations, and other highly radioactive material that the United States Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

(3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended, a quantity of radioactive material within a single package. Highway route controlled quantity shipments of thirty miles or less within the state are exempt from the provisions of this section;

(4) "Low-level radioactive waste", any radioactive waste not classified as high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive material given written approval for landfill disposal by the Missouri department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from the provisions of this section;

(5) "Shipper", the generator, owner, or company contracting for transportation by truck or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments, transuranic radioactive waste, or low-level radioactive waste;

(6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing;

(7) "State-funded institutions of higher education", any campus of any university within the state of Missouri that receives state funding and has a nuclear research reactor;

(8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with half-lives greater than twenty years, per gram of waste. For the purposes of this section, transuranic waste shall not include:

(a) High-level radioactive wastes;

(b) Any waste determined by the Environmental Protection Agency with the concurrence of the Environmental Protection Agency administrator that does not need the degree of isolation required by this section; or

(c) Any waste that the United States Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state shall be subject to the fees established in this subsection, provided that no state-funded institution of higher education that ships nuclear waste shall pay any such fee. These higher education institutions shall reimburse the Missouri state highway patrol directly for all costs related to shipment escorts. The fees for all other shipments shall be:

(1) One thousand eight hundred dollars for each [cask transported] **truck transporting** through or within the state [by truck of] high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route controlled quantity shipments. All [casks] **truck shipments** of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments [transported by truck] are subject to a surcharge of twenty-five dollars per mile for every mile over two hundred miles traveled within the state;

(2) One thousand three hundred dollars for the first cask and one hundred twenty-five dollars for each additional cask for each rail shipment through or within the state of high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

(3) One hundred twenty-five dollars for each truck or train transporting low-level radioactive waste through or within the state. The department of natural resources may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment.

3. All revenue generated from the fees established in subsection 2 of this section shall be deposited into the environmental radiation monitoring fund established in section 260.750 and shall be used by the department of natural resources to achieve the following objectives and for purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not limited to:

- (1) Inspections, escorts, and security for waste shipment and planning;
- (2) Coordination of emergency response capability;
- (3) Education and training of state, county, and local emergency responders;
- (4) Purchase and maintenance of necessary equipment and supplies for state, county, and local emergency responders through grants or other funding mechanisms;
- (5) Emergency responses to any transportation incident involving the high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;
- (6) Oversight of any environmental remediation necessary resulting from an incident involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of any party responsible for the incident; such party may be liable for full reimbursement to the state or payment of any other costs associated with the cleanup of contamination related to a transportation incident;
- (7) Administrative costs attributable to the state agencies which are incurred through their involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state.

4. Nothing in this section shall preclude any other state agency from receiving reimbursement from the department of natural resources and the environmental radiation monitoring fund for services rendered that achieve the objectives and comply with the provisions of this section.

5. Any unencumbered balance in the environmental radiation monitoring fund that exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring fund for that fiscal year.

6. The department of natural resources, in coordination with the department of health and senior services and the department of public safety, may promulgate rules necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. All funds deposited in the environmental radiation monitoring fund through fees established in subsection 2 of this section shall be utilized, subject to appropriation by the general assembly, for the administration and enforcement of this section by the department of natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

8. All fees shall be paid to the department of natural resources prior to shipment.

9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the state shall be provided by the shipper to the governor's designee for advanced notification, as described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state. Notice of any shipment of low-level radioactive waste through or within the state shall be

provided by the shipper to the Missouri department of natural resources before such shipment enters the state.

10. Any shipper who fails to pay a fee assessed under this section, or fails to provide notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the amount assessed and not paid. The action shall be brought by the attorney general at the request of the department of natural resources. If the action involves a facility domiciled in the state, the action shall be brought in the circuit court of the county in which the facility is located. If the action does not involve a facility domiciled in the state, the action shall be brought in the circuit court of Cole County.

11. Beginning on December 31, 2009, and every two years thereafter, the department of natural resources shall prepare and submit a report on activities of the environmental radiation monitoring fund to the general assembly. This report shall include information on fee income received and expenditures made by the state to enforce and administer the provisions of this section.

12. The provisions of this section shall not apply to high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the federal government for military or national defense purposes.

13. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2009, 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.

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, 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;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

(14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

(15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

(16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

(17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

(18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

(19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

(22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

(23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

(24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(28) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

(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;

(34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(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;

(36) "Motorcycle", a motor vehicle operated on two wheels;

(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;

(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;

(39) "Municipality", any city, town or village, whether incorporated or not;

(40) "Nonresident", a resident of a state or country other than the state of Missouri;

(41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(42) "Operator", any person who operates or drives a motor vehicle;

(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;

(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;

(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;

(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;

(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;

(48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an unladen dry weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV trails;

(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;

(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";

(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;

(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;

(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;

(54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(55) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(56) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(58) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(60) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

(61) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(63) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(64) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(66) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(69) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.449. COLLEGES AND UNIVERSITIES EMBLEMS ON LICENSES, PROCEDURE TO USE — CONTRIBUTION TO INSTITUTION — FEE FOR SPECIAL LICENSE PLATE. — [Any] **Only a community college or four-year public or private institution of higher education, or a foundation or organization representing the college or institution,** located in the state of Missouri may **itself authorize or may by the director of revenue be authorized to use the school's** [the use of its] official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to such institution derived from this section, except reasonable administrative costs, shall be used for scholarship endowment or other academically related purposes. Any vehicle owner may annually apply to the institution for the use of the emblem. Upon annual application and payment of an emblem use contribution to the institution, which shall be set by the governing body of the institution at an amount of at least twenty-five dollars, the institution shall issue to the vehicle owner, without further charge, an "emblem use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the institution, to the vehicle owner.

The license plate authorized by this section shall use the school colors of the institution, and those colors shall be constructed upon the license plate using a process to ensure that the school emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The license plate authorized by this section shall be issued with a design approved by both the institution of higher education and the advisory committee established in section 301.129. A vehicle owner, who was previously issued a plate with an institutional emblem authorized by this section and does not provide an emblem use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the institutional emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms including establishing a minimum number of license plates which can be issued with the authorized emblem of a participating institution.

301.3150. PROCEDURE FOR APPROVAL, EXCEPTIONS — TRANSFER OF MONEYS COLLECTED. — 1. An organization, other than an organization seeking a special military license plate **or a collegiate or university plate,** that seeks authorization to establish a new specialty license plate shall initially petition the department of revenue by submitting the following:

(1) An application in a form prescribed by the director for the particular specialty license plate being sought, describing the proposed specialty license plate in general terms and have a sponsor of at least one current member of the general assembly **in the same legislative session in which the application is reviewed pursuant to subsection 5 of section 21.795, RSMo.** The application may contain written testimony for support of this specialty plate;

(2) Each application submitted pursuant to this section shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate if the specialty plate is approved pursuant to this section;

(3) An application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing and programming the implementation of the specialty plate, if authorized; and

(4) All moneys received by the department of revenue, for the reviewing and development of specialty plates shall be deposited in the state treasury to the credit of the "Department of Revenue Specialty Plate Fund" which is hereby created. The state treasurer shall be custodian of the fund and shall make disbursements from the fund requested by the Missouri director of

revenue for personal services, expenses, and equipment required to prepare, review, develop, and disseminate a new specialty plate and process the two hundred applications to be submitted once the plate is approved and to refund deposits for the application of such specialty plate, if the application is not approved by the joint committee on transportation oversight and for no other purpose.

2. At the end of each state fiscal year, the director of revenue shall:

(1) Determine the amount of all moneys deposited into the department of revenue specialty plate fund;

(2) Determine the amount of disbursements from the department of revenue specialty plate fund which were made to produce the specialty plate and process the two hundred applications; and

(3) Subtract the amount of disbursements from the income figure referred to in subdivision (1) of this subsection and deliver this figure to the state treasurer.

3. The state treasurer shall transfer an amount of money equal to the figure provided by the director of revenue from the department of revenue specialty plate fund to the state highway department fund. An unexpended balance in the department of revenue specialty plate fund at the end of the biennium not exceeding twenty-five thousand dollars shall be exempt from the provisions of section 33.080 relating to transfer of unexpended balances to the general revenue fund.

4. The documents and fees required pursuant to this section shall be submitted to the department of revenue by July first prior to the next regular session of the general assembly to be approved or denied by the joint committee on transportation oversight during that legislative session.

5. The department of revenue shall give notice of any proposed specialty plate in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the specialty plate on the department's official public website, and making available copies of the specialty plate application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

6. Adequate notice conforming with all the requirements of subsection 5 of this section shall be given not less than four weeks, exclusive of weekends and holidays when the facility is closed, after the submission of the application by the organization to the department of revenue. Written or electronic testimony in support or opposition of the proposed specialty plate shall be submitted to the department of revenue by November thirtieth of the year of filing of the original proposal. All written testimony shall contain the printed name, signature, address, phone number, and email address, if applicable, of the individual giving the testimony.

7. The department of revenue shall submit for approval all applications for the development of specialty plates to the joint committee on transportation oversight during a regular session of the general assembly for approval.

8. If the specialty license plate requested by an organization is approved by the joint committee on transportation oversight, the organization shall submit the proposed art design for the specialty license plate to the department as soon as practicable, but no later than sixty days after the approval of the specialty license plate. If the specialty license plate requested by the organization is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the requesting organization.

9. An emblem-use authorization fee may be charged by the organization prior to the issuance of an approved specialty plate. The organization's specialty plate proposal approved by the joint committee on transportation oversight shall state what fee is required to obtain such statement and if such fee is required annually or biennially, if the applicant has a two-year registration. An organization applying for specialty plates shall authorize the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed

by the director of revenue and as provided in this section. Any contribution to the organization derived from the emblem-use contribution, except reasonable administrative costs, shall be used solely for the purposes of the organization. Any member of the organization or nonmember, if applicable, may annually apply for the use of the emblem, if applicable.

10. The department shall begin production and distribution of each new specialty license plate within one year after approval of the specialty license plate by the joint committee on transportation oversight.

11. The department shall issue a specialty license plate to the owner who meets the requirements for issuance of the specialty plate for any motor vehicle such owner owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

12. Each new or renewed application for an approved specialty license plate shall be made to the department of revenue, accompanied by an additional fee of fifteen dollars and the appropriate emblem-use authorization statement.

13. The appropriate registration fees, fifteen dollar specialty plate fee, processing fees and documents otherwise required for the issuance of registration of the motor vehicle as set forth by law must be submitted at the time the specialty plates are actually issued and renewed or as otherwise provided by law. However, no additional fee for the personalization of this plate shall be charged.

14. Once a specialty plate design is approved, a request for such plate may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, all documentation, credits, and fees provided for in this chapter when replacing a current license plate shall apply.

15. A vehicle owner who was previously issued a plate with an organization emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration if required, shall be issued a new plate which does not bear the organization's emblem, as otherwise provided by law.

16. Specialty license plates shall bear a design approved by the organization submitting the original application for approval by the joint committee on transportation oversight. The design shall be within the plate area prescribed by the director of revenue, and the designated organization's name or slogan shall be in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130 and as provided in this section. In addition to a design, the specialty license plates shall be in accordance with criteria and plate design set forth in this chapter.

17. The department is authorized to discontinue the issuance and renewal of a specialty license plate if the organization has stopped providing services and emblem-use authorization statements are no longer being issued by the organization. Such organizations shall notify the department immediately to discontinue the issuance of a specialty plate.

18. The organization that requested the specialty license plate shall not redesign the specialty personalized license plate unless such organization pays the director in advance all redesigned plate fees. All plate holders of such plates must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.3161. CASS COUNTY — THE BURNT DISTRICT SPECIAL LICENSE PLATE AUTHORIZED, FEE. — 1. **Notwithstanding any other provision of law to the contrary**, any person may apply for special motor vehicle license plates for any vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight, after an annual contribution of

twenty-five dollars to the Cass County collector of revenue. Any contribution derived from this section, except reasonable administrative costs, shall be distributed within the county as follows:

- (1) [Eighty] **Seventy** percent to public safety; [and]
- (2) **Fifteen percent to the Cass County Historical Society; and**
- (3) [Twenty] **Fifteen** percent to the Cass County parks and recreation department.

2. Upon annual application and payment of twenty-five dollars **to the Cass County collector of revenue**, the county shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the [department] **director** of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a [personalized license plate which shall bear the words "CASS COUNTY — THE BURNT DISTRICT" in the place of the words "SHOW-ME STATE"] **specialty personalized license plate which shall bear the words "CASS COUNTY — THE BURNT DISTRICT" at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be yellow beginning at the top with the color fading into orange at the bottom and shall have a black decorative scroll on the left and right side of the plate configuration. The scrolls shall not be more than one inch in width or three and a half inches in height.** Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for personalization of license plates under this section.

3. [The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void] **A vehicle owner who was previously issued a plate with the emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Cass County Burnt District emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.**

4. **Prior to the issuance of a specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.**

5. **The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design**

the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.4036. NATIONAL WILD TURKEY FEDERATION SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law, any member of the National Wild Turkey Federation, after an annual payment of an emblem-use fee to the National Wild Turkey Federation, may receive personalized specialty license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The National Wild Turkey Federation hereby authorizes the use of its official emblem to be affixed on multiyear personalized specialty license plates as provided in this section. Any contribution to the National Wild Turkey Federation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Wild Turkey Federation. Any member of the National Wild Turkey Federation may annually apply for the use of the emblem.

2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the National Wild Turkey Federation, the National Wild Turkey Federation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen-dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a personalized specialty license plate which shall bear the emblem of the National Wild Turkey Federation. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, and prescribed by section 301.130. In addition, upon each set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words "National Wild Turkey Federation". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalized specialty plates issued under this section.

3. A vehicle owner who was previously issued a plate with the National Wild Turkey Federation's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Wild Turkey Federation's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a National Wild Turkey Federation specialty plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such personalized specialty license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

301.4040. PROUD SUPPORTER (AMERICAN RED CROSS) SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, any

person after an annual payment of an emblem-use fee to the American Red Cross Trust Fund, may receive specialty personalized license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The Missouri Chapter of the American Red Cross hereby authorizes the use of its official emblem to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the American Red Cross derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the American Red Cross. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Red Cross Trust Fund, the Missouri Chapter of the American Red Cross shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a twenty-five dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the Missouri Chapter of the American Red Cross, and the words "PROUD SUPPORTER" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

3. A vehicle owner who was previously issued a plate with the Missouri Chapter of the American Red Cross' emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Chapter of the American Red Cross' emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a Missouri Chapter of the American Red Cross specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.

302.060. LICENSE NOT TO BE ISSUED TO WHOM, EXCEPTIONS — REINSTATEMENT REQUIREMENTS. — 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction. If the court finds that the petitioner has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been convicted twice within a five-year period of violating state law, or a county or municipal ordinance, of driving while intoxicated, or any other intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section 577.023, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted or pled guilty for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated or any other intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section 577.023 for the second time;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and

correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. **The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features.** The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

302.304. NOTICE OF POINTS — SUSPENSION OR REVOCATION OF LICENSE, WHEN, DURATION — REINSTATEMENT, CONDITION, POINT REDUCTION, FEE — FAILURE TO MAINTAIN PROOF OF FINANCIAL RESPONSIBILITY, EFFECT — POINT REDUCTION PRIOR TO CONVICTION, EFFECT — SURRENDER OF LICENSE — REINSTATEMENT OF LICENSE WHEN DRUGS OR ALCOHOL INVOLVED, ASSIGNMENT RECOMMENDATION, JUDICIAL REVIEW — FEES FOR PROGRAM — SUPPLEMENTAL FEES. — 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

- (1) In the case of an initial suspension, thirty days after the effective date of the suspension;
- (2) In the case of a second suspension, sixty days after the effective date of the suspension;
- (3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as

defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. **If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, then the period of suspension shall be fifteen days, followed by a seventy-five day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such seventy-five-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such seventy-five day period indicate that the ignition interlock device has registered a blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional seventy-five day period of restricted driving privilege without any such violations.**

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, **or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section,** the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member

of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental

health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

302.309. RETURN OF LICENSE, WHEN — LIMITED DRIVING PRIVILEGE, WHEN GRANTED, APPLICATION, WHEN DENIED — JUDICIAL REVIEW OF DENIAL BY DIRECTOR OF REVENUE — RULEMAKING. — 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator; the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name

the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, **or a license revocation under paragraph (h) of subdivision (6) of this subsection**, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. **The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification technology and global positioning system features.**

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. **The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege.** A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; [or]

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

(h) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed **the first forty-five days** of such revocation, **provided the person is not otherwise ineligible for a limited driving privilege.**

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least [three years] **forty-five days** of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding [three years] **forty-five days** and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least [two years] **forty-five days** of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding [two years] **forty-five days** and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the

circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.341. MOVING TRAFFIC VIOLATION, FAILURE TO PREPAY FINE OR APPEAR IN COURT, LICENSE SUSPENDED, PROCEDURE — REINSTATEMENT WHEN — EXCESSIVE REVENUE FROM FINES TO BE DISTRIBUTED TO SCHOOLS — DEFINITION, STATE HIGHWAYS. — 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record **if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense.** The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town or village receives more than thirty-five percent of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways, all revenues from such violations in excess of thirty-five percent of the annual general operating revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number. The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set

forth above shall be sent to the department of revenue. If any city, town, or village disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, or village may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

302.525. SUSPENSION OR REVOCATION, WHEN EFFECTIVE, DURATION — RESTRICTED DRIVING PRIVILEGE — EFFECT OF SUSPENSION OR REVOCATION BY COURT ON CHARGES ARISING OUT OF SAME OCCURRENCE — REVOCATION DUE TO ALCOHOL-RELATED OFFENSES, REQUIREMENTS. — 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515.

If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. **The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle.** In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. **If a person, otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle operated is equipped with a functioning, certified ignition interlock device, then the period of suspension shall be fifteen days, followed by a seventy-five day period of restricted driving privilege. Upon completion of such seventy-five day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such seventy-five day period indicate that the ignition interlock device has registered a blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional seventy-five day period of restricted driving privilege without any such violations. If the person fails to maintain**

such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.

302.700. CITATION OF LAW — DEFINITIONS. — 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

(1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;

(3) "**CDLIS driver record**", the electronic record of the individual commercial driver's status and history stored by the state of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;

(4) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS driver record which meets the requirements for access to CDLIS information and is provided by states to users authorized in 49 CFR Part 384, subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;

(5) "Commercial driver's instruction permit", a permit issued pursuant to section 302.720;

[(4)] (6) "Commercial driver's license", a license issued by this state to an individual which authorizes the individual to operate a commercial motor vehicle;

[(5)] (7) "Commercial driver's license downgrade", occurs when:

(a) A driver changes the self-certification to interstate, but operates exclusively in transportation or operation excepted from 49 CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2, 391.68, or 398.3;

(b) A driver changes the self-certification to intrastate only, if the driver qualifies under the state's physical qualification requirements for intrastate only;

(c) A driver changes the self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

(d) The state removes the commercial driver's license privilege from the driver's license;

(8) "Commercial driver's license information system", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

[(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to transport passengers or property:

(a) If the vehicle has a gross combination weight rating of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand one pounds or more;

(b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds or such lesser rating as determined by federal regulation;

(c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or

(d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801, et seq.);

[(7)] (10) "Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules I through V of 21 CFR part 1308, as they may be revised from time to time;

[(8)] (11) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

[(9)] (12) "Director", the director of revenue or his authorized representative;

[(10)] (13) "Disqualification", any of the following three actions:

(a) The suspension, revocation, or cancellation of a commercial driver's license;

(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a state, **Canada, or Mexico** as the result of a violation of federal, state, county, municipal, or local law relating to motor vehicle traffic control or violations committed through the operation of motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

[(11)] **(14)** "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

[(12)] **(15)** "Driver", any person who drives, operates, or is in physical control of a motor vehicle, or who is required to hold a commercial driver's license;

(16) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license in this state;

[(13)] **(17)** "Driving under the influence of alcohol", the commission of any one or more of the following acts:

(a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as prescribed by the secretary or such other alcohol concentration as may be later determined by the secretary by regulation;

(b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance;

(c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance;

(d) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more;

[(14)] **(18)** "Driving under the influence of a controlled substance", the commission of any one or more of the following acts in a commercial or noncommercial motor vehicle:

(a) Driving a commercial or noncommercial motor vehicle while under the influence of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they may be revised from time to time;

(b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

(c) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance;

[(15)] **(19)** "Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle;

(20) "Endorsement", an authorization on an individual's commercial driver's license permitting the individual to operate certain types of commercial motor vehicles;

[(16)] **(21)** "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when transporting fertilizers as defined in subdivision [(21)] **(27)** of this subsection;

[(17)] **(22)** "Fatality", the death of a person as a result of a motor vehicle accident;

[(18)] **(23)** "Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(24) "Foreign", outside the fifty states of the United States and the District of Columbia;

[(19)] (25) "Gross combination weight rating" or "GCWR", the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle.

In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon;

[(20)] (26) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer as the loaded weight of a single vehicle;

[(21)] (27) "Hazardous materials", any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered hazardous materials when transported by a farm vehicle provided all other provisions of this definition are followed;

[(22)] (28) "Imminent hazard", the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begins to lessen the risk of that death, illness, injury, or endangerment;

[(23)] (29) "Issuance", the initial licensure, license transfers, license renewals, and license upgrades;

(30) "Medical examiner", a person who is licensed, certified, or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic;

(31) "Medical variance", when a driver has received one of the following that allows the driver to be issued a medical certificate:

(a) An exemption letter permitting operation of a commercial motor vehicle under 49 CFR Part 381, Subpart C or 49 CFR Part 391.64;

(b) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 CFR Part 391.49;

[(24)] (32) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

[(25)] (33) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" in this section;

[(26)] (34) "Out of service", a temporary prohibition against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier;

[(27)] (35) "Out-of-service order", a declaration by [the Federal Highway Administration, or any] an authorized enforcement officer of a federal, state, [Commonwealth of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service **under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;**

[(28)] (36) "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;

[(29)] (37) "Secretary", the Secretary of Transportation of the United States;

[(30)] (38) "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses

and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:

- (a) Excessive speeding, as defined by the Secretary by regulation;
- (b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;
- (c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation;
- (d) Driving a commercial motor vehicle without obtaining a commercial driver's license in violation of any federal or state or county or municipal ordinance;
- (e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;
- (f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance; or
- (g) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the secretary by regulation;

[31] (39) "State", a state[, territory or possession] of the United States[, the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada];

[32] (40) "United States", the fifty states and the District of Columbia.

302.768. COMPLIANCE WITH FEDERAL LAW, CERTIFICATION REQUIRED — APPLICATION REQUIREMENTS, PROCEDURE. — 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) **Nonexcepted interstate:** Certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) **Excepted interstate:** Certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) **Nonexcepted intrastate:** Certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) **Excepted intrastate:** Certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories defined in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiners certificate or a medical examiners certificate accompanied by a medical variance or waiver. The state shall retain the original or copy of the documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide an updated medical certificate or variance documents to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

5. The director shall post the medical examiners certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiners certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section.

8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled for a period of one year after the director discovers such falsification.

9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

303.200. APPROVAL OF PLAN FOR APPORTIONMENT OF SUBSTANDARD INSURANCE RISKS. — After consultation with insurance companies authorized to issue automobile liability policies in this state, the director of the department of insurance, financial institutions and professional registration shall approve a reasonable plan or plans for the equitable apportionment among such companies of applicants for such policies and for motor vehicle liability policies who are in good faith entitled to but are unable to procure such policies through ordinary methods. When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. **Any such plan shall contract with an entity or entities to accept and service applicants and policies for any company that does not elect to accept and service applicants and policies.** By October 1 of each year any company that elects to accept and service applicants and policies for the next calendar year for any such plan shall so notify the plan. Any company that does not so notify a plan shall be excused from accepting and servicing applicants and policies for the next calendar year for such plan

and shall pay a fee to the plan or servicing entity for providing such services. The fee shall be based on the company's market share on the kinds of insurance offered by the plan. Any applicant for any such policy, any person insured under any such plan, and any insurance company affected, may appeal to the director from any ruling or decision of the manager or committee designated to operate such plan. Any person aggrieved hereunder by any order or act of the director may, within ten days after notice thereof, file a petition in the circuit court of the county of Cole for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree.

304.033. RECREATIONAL OFF-HIGHWAY VEHICLES, OPERATION ON HIGHWAYS PROHIBITED, EXCEPTIONS — OPERATION WITHIN STREAMS AND RIVERS PROHIBITED, EXCEPTIONS — LICENSE REQUIRED FOR OPERATION, EXCEPTION. — 1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway vehicle in a municipality unless such operation is authorized by such municipality as provided for in subdivision (5) of this subsection;

(4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;

(5) Governing bodies of cities may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(6) Governing bodies of counties may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

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 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;**

(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 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.

306.532. CERTIFICATE OF TITLE TO DESIGNATE YEAR OF MANUFACTURE — Effective [January 1, 2011] **August 28, 2012**, the certificate of title for a new outboard motor shall designate the year the outboard motor was manufactured as the "Year Manufactured" and shall further designate the year the dealer received the new outboard motor from the manufacturer as the "Model Year-NEW". **Any outboard motor manufactured on or after July first of any year shall be labeled with the "Year Manufactured" with the calendar year immediately**

following the year manufactured unless the manufacturer indicates a specific model or program year.

577.023. AGGRAVATED, CHRONIC, PERSISTENT AND PRIOR OFFENDERS — ENHANCED PENALTIES — IMPRISONMENT REQUIREMENTS, EXCEPTIONS — PROCEDURES — DEFINITIONS. — 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An "aggravated offender" is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses; or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(2) A "chronic offender" is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(3) "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;

(4) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

(5) A "persistent offender" is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082; and

(6) A "prior offender" is a person who has pleaded guilty to or 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.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding.

(1) No prior offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days involving at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established pursuant to 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.**

(2) No persistent offender shall 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 involving at least four hundred eighty hours of community service under the supervision of the court; or

(b) The offender participates in and successfully completes a program established pursuant to 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.**

(3) No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment.

(4) No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment. In addition to any other terms or conditions of probation, the court shall consider, as a condition of probation for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court, but not less than ninety days. The court may, in addition to imposing any other fine, costs, or assessments provided by law, require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence received by a search of the records of the Missouri uniform law enforcement system, including criminal history records from the central repository or records from the driving while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or the certified driving record maintained by the Missouri department of revenue. After hearing the evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county or municipal court or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.

SECTION 1. NATIONAL RIFLE ASSOCIATION SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of the National Rifle Association, after an annual payment of an emblem-use authorization fee to the National Rifle Association, may receive special license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The National Rifle Association hereby authorizes the use of its official emblem to be affixed on multi-year personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Rifle Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Rifle Association. Any member of the National Rifle Association may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the National Rifle Association, that organization shall issue to the vehicle

owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the National Rifle Association and the words "National Rifle Association" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner who was previously issued a plate with the National Rifle Association emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the organization's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

SECTION B. CONTINGENT EFFECTIVE DATE. — The repeal and reenactment of section 302.700 and the enactment of section 302.768 of this act shall become effective on the date the director of the department of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768, or on May 1, 2013, whichever occurs first. If the director of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768 prior to May 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

SECTION C. EFFECTIVE DATE. — The repeal and reenactment of sections 302.060, 302.304, 302.309, and 302.525 shall become effective October 1, 2013.

Approved July 10, 2012

SB 485 [HCS SCS SB 485]

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 governing liens on motor vehicles, trailers, vessels, outboard motors, and aircrafts

AN ACT to repeal sections 301.600, 306.400, 400.9-311, 430.020, 430.082, and 430.240, RSMo, and to enact in lieu thereof six new sections relating to statutory liens against personalty.

SECTION

- A. Enacting clause.
 - 301.600. Liens and encumbrances, how perfected — effect of on vehicles and trailers brought into state — security procedures for verifying electronic notices.
 - 306.400. Liens and encumbrances — valid, perfected, when, how, future advances — boats and motors subject to, when, how determined — revenue to establish security procedure, electronic notices, rulemaking authority.
 - 400.9-311. Perfection of security interests in property subject to certain statutes, regulations, and treaties.
-

- 430.020. Liens for storage, materials and labor on vehicles or aircraft — nonpossessory liens on aircraft for labor and material, procedure — failure to file with aircraft registry, purchaser prevails.
- 430.082. Motor vehicles, trailers, vessels, outboard motors, aircraft liens for labor, material or storage, when — nonpossessory lien on aircraft, procedure — lien title obtained, when, procedure — sale of chattel, when — distribution of proceeds.
- 430.240. Notice to be given.

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

SECTION A. ENACTING CLAUSE. — Sections 301.600, 306.400, 400.9-311, 430.020, 430.082, and 430.240, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 301.600, 306.400, 400.9-311, 430.020, 430.082, and 430.240, to read as follows:

301.600. LIENS AND ENCUMBRANCES, HOW PERFECTED — EFFECT OF ON VEHICLES AND TRAILERS BROUGHT INTO STATE — SECURITY PROCEDURES FOR VERIFYING ELECTRONIC NOTICES. — 1. Unless excepted by section 301.650, a lien or encumbrance on a motor vehicle or trailer, as defined by section 301.010, is not valid against subsequent transferees or lienholders of the motor vehicle or trailer who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 301.600 to 301.660.

2. Subject to the provisions of section 301.620, a lien or encumbrance on a motor vehicle or trailer is perfected by the delivery to the director of revenue of a notice of a lien in a format as prescribed by the director of revenue. The notice of lien is perfected as of the time of its creation if the delivery of such notice to the director of revenue is completed within thirty days thereafter, otherwise as of the time of the delivery. A notice of lien shall contain the name and address of the owner of the motor vehicle or trailer and the secured party, a description of the motor vehicle or trailer, including the vehicle identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Provided the lienholder submits complete and legible documents, the director of revenue shall mail confirmation or electronically confirm receipt of such notice of lien to the lienholder as soon as possible, but no later than fifteen business days after the filing of the notice of lien.

3. Notwithstanding the provisions of section 301.620, on a refinance **by a different lender** of a **prior** loan secured by a motor vehicle or trailer a lien is perfected by the delivery to the director of revenue of a notice of lien completed by the refinancing lender in a format prescribed by the director of revenue.

4. To perfect a subordinate lien, the notice of lien must be accompanied by the documents required to be delivered to the director pursuant to subdivision (3) of section 301.620.

5. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" on the notice of lien and noted on the certificate of ownership if the motor vehicle or trailer is subject to only one notice of lien. To secure future advances when an existing lien on a motor vehicle or trailer does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows: proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is received for by the department of revenue, and returned to the lienholder.

6. If a motor vehicle or trailer is subject to a lien or encumbrance when brought into this state, the validity and effect of the lien or encumbrance is determined by the law of the

jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrance attached that the motor vehicle or trailer would be kept in this state and it was brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state is determined by the law of this state;

(2) If the lien or encumbrance was perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state three months after a first certificate of ownership of the motor vehicle or trailer is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period; in that case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, it may be perfected in this state; in that case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection either as provided in subsection 2 or 4 of this section or by the lienholder delivering to the director of revenue a notice of lien or encumbrance in the form the director of revenue prescribes and the required fee.

7. By rules and regulations, the director of revenue shall establish a security procedure for the purpose of verifying that an electronic notice of lien or notice of satisfaction of a lien on a motor vehicle or trailer given as permitted in sections 301.600 to 301.640 is that of the lienholder, verifying that an electronic notice of confirmation of ownership and perfection of a lien given as required in section 301.610 is that of the director of revenue, and detecting error in the transmission or the content of any such notice. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself be a security procedure.

306.400. LIENS AND ENCUMBRANCES — VALID, PERFECTED, WHEN, HOW, FUTURE ADVANCES — BOATS AND MOTORS SUBJECT TO, WHEN, HOW DETERMINED — REVENUE TO ESTABLISH SECURITY PROCEDURE, ELECTRONIC NOTICES, RULEMAKING AUTHORITY. — 1. As used in sections 306.400 to 306.440, the terms motorboat, vessel, and watercraft shall have the same meanings given them in section 306.010, and the term outboard motor shall include outboard motors governed by section 306.530.

2. Unless excepted by section 306.425, a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft shall not be valid against subsequent transferees or lienholders of the outboard motor, motorboat, vessel or watercraft, who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 306.400 to 306.430.

3. A lien or encumbrance on an outboard motor, motorboat, vessel or watercraft is perfected by the delivery to the director of revenue of a notice of lien in a format as prescribed by the director. Such lien or encumbrance shall be perfected as of the time of its creation if the delivery of the items required in this subsection to the director of revenue is completed within thirty days thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the delivery. A notice of lien shall contain the name and address of the owner of the outboard motor, motorboat, vessel or watercraft and the secured party, a description of the outboard motor,

motorboat, vessel or watercraft motor, including any identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Provided the lienholder submits complete and legible documents, the director of revenue shall mail confirmation or electronically confirm receipt of each notice of lien to the lienholder as soon as possible, but no later than fifteen business days after the filing of the notice of lien.

4. Notwithstanding the provisions of section 306.410, on a refinance **by a different lender** of a **prior** loan secured by an outboard motor, motorboat, vessel or watercraft, a lien is perfected by the delivery to the director of revenue of a notice of lien completed by the refinancing lender in a format prescribed by the director of revenue.

5. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" in the second lienholder's portion of the notice of lien. To secure future advances when an existing lien on an outboard motor, motorboat, vessel or watercraft does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows. Proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is receipted for by the department of revenue, and returned to the lienholder.

6. Whether an outboard motor, motorboat, vessel, or watercraft is subject to a lien or encumbrance shall be determined by the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrances attached that the outboard motor, motorboat, vessel, or watercraft would be kept in this state and it is brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state shall be determined by the laws of this state;

(2) If the lien or encumbrance was perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, his or her lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by the jurisdiction, the lien or encumbrance continues perfected in this state for three months after the first certificate of title of the outboard motor, motorboat, vessel, or watercraft is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period, in which case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, it may be perfected in this state, in which case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection in the same manner as provided in subsection 3 of this section.

7. The director of revenue shall by rules and regulations establish a security procedure to verify that an electronic notice or lien or notice of satisfaction of a lien on an outboard motor, motorboat, vessel or watercraft given pursuant to sections 306.400 to 306.440 is that of the

lienholder, to verify that an electronic notice of confirmation of ownership and perfection of a lien given pursuant to section 306.410 is that of the director of revenue and to detect error in the transmission or the content of any such notice. Such a security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself constitute a security procedure.

400.9-311. PERFECTION OF SECURITY INTERESTS IN PROPERTY SUBJECT TO CERTAIN STATUTES, REGULATIONS, AND TREATIES. — (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt section 400.9-310(a);

(2) Sections 301.600 to 301.661, section 700.350, and section 400.2A-304; or

(3) A certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection (d) and sections 400.9-313 and 400.9-316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subsection (d) and section 400.9-316(d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this article.

(d) During any period in which collateral is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling [or leasing] goods of that kind, this section does not apply to a security interest in that collateral created by that person [as debtor].

430.020. LIENS FOR STORAGE, MATERIALS AND LABOR ON VEHICLES OR AIRCRAFT — NONPOSSESSORY LIENS ON AIRCRAFT FOR LABOR AND MATERIAL, PROCEDURE — FAILURE TO FILE WITH AIRCRAFT REGISTRY, PURCHASER PREVAILS. — Every person who shall keep or store any vehicle[,] or part or equipment thereof, shall, for the amount due therefor, have a lien; and every person who furnishes labor or material on any vehicle [or aircraft,] or part or equipment thereof, who shall obtain a written memorandum of the work or material furnished, or to be furnished, signed by the owner of the vehicle [or aircraft], or part or equipment thereof, **and every person who furnishes labor or material on any aircraft or part or equipment thereof, who shall obtain a written memorandum of the work or material furnished, or to be furnished, signed by the owner, authorized agent of the owner, or person in lawful possession of the aircraft or part or equipment thereof,** shall have a lien for the amount of such work or material as is ordered or stated in such written memorandum. Such liens shall be on the vehicle or aircraft, or part or equipment thereof, as shall be kept or stored, or be placed in the possession of the person furnishing the labor or material; provided, however, the person furnishing the labor or material **on the aircraft or part or equipment thereof,** may retain the lien after surrendering possession of the aircraft or part or equipment thereof by filing a statement in the office of the county recorder of the county where the owner of the aircraft or part or equipment thereof resides, if known to the claimant, and in the office of the county recorder of

the county where the labor or material was furnished. Such statement shall be filed within [thirty] **one hundred eighty** days after surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's name and address, the items on account, the name of the owner and a description of the property, and shall not bind a bona fide purchaser unless said lien has also been filed with the Federal Aviation Administration Aircraft Registry.

430.082. MOTOR VEHICLES, TRAILERS, VESSELS, OUTBOARD MOTORS, AIRCRAFT LIENS FOR LABOR, MATERIAL OR STORAGE, WHEN — NONPOSSESSORY LIEN ON AIRCRAFT, PROCEDURE — LIEN TITLE OBTAINED, WHEN, PROCEDURE — SALE OF CHATTEL, WHEN — DISTRIBUTION OF PROCEEDS. — 1. Every person expending labor, services, skill or material upon any motor vehicle or trailer, as defined in chapter 301, vessel, as defined in chapter 306, outboard motor [or], **or aircraft, or part or equipment of an aircraft**, at a written request of its owner, authorized agent of the owner, or person in lawful possession thereof, or who provides storage for a motor vehicle, trailer, outboard motor or vessel, at the written request of its owner, authorized agent of the owner, or person in lawful possession thereof, or at the written request of a peace officer in lieu of the owner or owner's agent, where such owner or agent is not available to request storage thereof, shall, where the maximum amount to be charged for labor, services, skill or material has been stated as part of the written request or the daily charge for storage has been stated as part of the written request, have a lien upon the chattel beginning upon the date of commencement of the expenditure of labor, services, skill, materials or storage for the actual value of all the expenditure of labor, services, skill, materials or storage until the possession of that chattel is voluntarily relinquished to the owner, authorized agent, or one entitled to possession thereof. The person furnishing labor, services, skill or material **upon an aircraft or part or equipment thereof**, may retain the lien after surrendering possession of the aircraft or part or equipment thereof, by filing a statement in the office of the county recorder of the county where the owner of the aircraft or part or equipment thereof, resides, if known to the claimant, and in the office of the county recorder of the county where the claimant performed the services. Such statement shall be filed within [thirty] **one hundred eighty** days after surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's name and address, the items on account, the name of the owner and a description of the property, and shall not bind a bona fide purchaser unless the lien has also been filed with the Federal Aviation Administration Aircraft Registry.

2. If the chattel is not redeemed within forty-five days of the completion of the requested labor, services, skill or material, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title.

3. If the charges are for storage or the service of towing the motor vehicle, trailer, outboard motor or vessel, and the chattel has not been redeemed within forty-five days after the charges for storage commenced, the lienholder shall notify by certified mail, postage prepaid, the owner and any lienholders of record other than the person making the notification, at the person's last known address that application for a lien title will be made unless the owner or lienholder within thirty days makes satisfactory arrangements with the person holding the chattel for payment of storage or service towing charges, if any, or makes satisfactory arrangements with the lienholder for paying such charges or for continued storage of the chattel if desired. Thirty days after the notification has been mailed and the chattel is unredeemed, or the notice has been returned marked "not forwardable" or "addressee unknown", and no satisfactory arrangement has been made with the lienholder for payment or continued storage, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title as provided in this section.

4. The application shall be accompanied by:

(1) The original or a conformed or photostatic copy of the written request of the owner or the owner's agent or of a peace officer with the maximum amount to be charged stated therein;

(2) An affidavit from the lienholder that written notice was provided to all owners and lienholders of the applicants' intent to apply for a certificate of ownership and the owner has

defaulted on payment of labor, services, skill or material and that payment is forty-five days past due, or that owner has defaulted on payment or has failed to make satisfactory arrangements for continued storage of the chattel for thirty days since notification of intent to make application for a certificate of ownership or certificate of title. The affidavit shall be accompanied by a copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and lienholder of record was sent a notice as required in this section;

(3) A statement of the actual value of the expenditure of labor, services, skill or material, or the amount of storage due on the date of application for a certificate of ownership or certificate of title, and the amount which is unpaid; and

(4) A fee of ten dollars.

5. If the director is satisfied with the genuineness of the application, proof of lienholder notification in the form of a certified mail receipt, and supporting documents, and if no lienholder or the owner has redeemed the chattel or no satisfactory arrangement has been made concerning payment or continuation of storage, and if no owner or lienholder has informed the director that the owner or lienholder demands a hearing as provided in this section, the director shall issue, in the same manner as a repossessed title is issued, a certificate of ownership or certificate of title to the applicant which shall clearly be captioned "Lien Title".

6. Upon receipt of a lien title, the holder shall within ten days begin proceedings to sell the chattel as prescribed in section 430.100.

7. The provisions of section 430.110 shall apply to the disposition of proceeds, and the lienholder shall also be entitled to any actual and necessary expenses incurred in obtaining the lien title, including, but not limited to, court costs and reasonable attorney's fees.

430.240. NOTICE TO BE GIVEN. — No such lien shall be effective, however, unless a written notice containing the name and address of the injured person, the date of the accident, the name and location of the hospital and the name of the person or persons, firm or firms, corporation or corporations alleged to be liable to the injured party for the injuries received, shall be sent by **certified** [registered] mail with return receipt requested, to the person or persons, firm or firms, corporation or corporations, if known, alleged to be liable to the injured party, if known, for the injuries sustained prior to the payment of any moneys to such injured person, his attorneys or legal representative, as compensation for such injuries. Such hospital shall send by **certified** [registered] mail with return receipt requested a copy of such notice to any insurance carrier, if known, which has insured such person, firm or corporation against such liability.

Approved July 10, 2012

SB 489 [SS SCS SBs 489 & 637]

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 weapons

AN ACT to repeal sections 571.020 and 571.111, RSMo, and to enact in lieu thereof two new sections relating to weapons, with existing penalty provisions and an emergency clause.

SECTION

- A. Enacting clause.
- 571.020. Possession — manufacture — transport — repair — sale of certain weapons a crime — exceptions — penalties.
- 571.111. Firearms training requirements — safety instructor requirements — penalty for violations.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 571.020 and 571.111, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.020 and 571.111, to read as follows:

571.020. POSSESSION — MANUFACTURE — TRANSPORT — REPAIR — SALE OF CERTAIN WEAPONS A CRIME — EXCEPTIONS — PENALTIES. — 1. A person commits a crime if such person knowingly possesses, manufactures, transports, repairs, or sells:

- (1) An explosive weapon;
- (2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
- (3) A gas gun;
- (4) [A switchblade knife;
- (5)] A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
- [(6)] (5) Knuckles; or
- [(7)] (6) Any of the following in violation of federal law:
 - (a) A machine gun;
 - (b) A short-barreled rifle or shotgun; [or]
 - (c) A firearm silencer; **or**
 - (d) **A switchblade knife.**

2. A person does not commit a crime pursuant to this section if his conduct involved any of the items in subdivisions (1) to [(6)] (5) of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

- (1) Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution; or
- (2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or
- (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
- (4) Was incident to displaying the weapon in a public museum or exhibition; or
- (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. A crime pursuant to subdivision (1), (2), (3) or [(7)] (6) of subsection 1 of this section is a class C felony; a crime pursuant to subdivision (4), [or] (5) [(6)] of subsection 1 of this section is a class A misdemeanor.

571.111. FIREARMS TRAINING REQUIREMENTS — SAFETY INSTRUCTOR REQUIREMENTS — PENALTY FOR VIOLATIONS. — 1. An applicant for a concealed carry endorsement shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry endorsement:

- (1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or
- (2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or
- (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or
- (4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or

(5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her by section 217.105, that includes instruction on the justifiable use of force as prescribed in chapter 563; or

(7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued.

2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

(1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;

(2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or her marksmanship with both;

(3) The basic principles of marksmanship;

(4) Care and cleaning of concealable firearms;

(5) Safe storage of firearms at home;

(6) The requirements of this state for obtaining a certificate of qualification for a concealed carry endorsement from the sheriff of the individual's county of residence and a concealed carry endorsement issued by the department of revenue;

(7) The laws relating to firearms as prescribed in this chapter;

(8) The laws relating to the justifiable use of force as prescribed in chapter 563;

(9) A live firing exercise of sufficient duration for each applicant to fire both a revolver and a semiautomatic pistol, from a standing position or its equivalent, a minimum of fifty rounds from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;

(10) A live fire test administered to the applicant while the instructor was present of twenty rounds from each handgun from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

3. A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry endorsement who:

(1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or

(2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or

(3) During the live fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds, with both handguns.

4. Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry endorsement shall:

(1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;

(2) Maintain all course records on students for a period of no less than four years from course completion date; and

(3) Not have more than forty students in the classroom portion of the course or more than five students per range officer engaged in range firing.

5. A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any sheriff issuing a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121 if the instructor:

- (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or
- (2) Submits a photocopy of a certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or
- (3) Submits a photocopy of a certificate from a firearms safety instructor course approved by the department of public safety; or
- (4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or
- (5) Is a certified police officer firearms safety instructor.

6. Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to clarify the requirements for concealed carry endorsements, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved July 10, 2012

SB 498 [CCS HCS SCS SB 498]

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

Prohibits cities from restricting veterans organizations from operating re-sale shops in certain areas

AN ACT to repeal section 407.489, RSMo, and to enact in lieu thereof one new section relating to retail businesses operated by charitable organizations, with an emergency clause.

SECTION

- A. Enacting clause.
- 407.489. No ordinance shall prohibit a nonprofit organization or veterans organization from reselling donated goods in an area with other retailers, limitation.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Section 407.489, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.489, to read as follows:

407.489. NO ORDINANCE SHALL PROHIBIT A NONPROFIT ORGANIZATION OR VETERANS ORGANIZATION FROM RESELLING DONATED GOODS IN AN AREA WITH OTHER RETAILERS, LIMITATION. — Notwithstanding any provision of section 89.020 to the contrary, the legislative body of all cities, towns, and villages is hereby prohibited from passing any zoning law, ordinance, or code that would prevent any entity organized pursuant to Section 501(c)(3) or **Section 501(c)(19)** of the Internal Revenue Code that owns or operates a retail business engaged

in the practice of reselling donated goods from operating a business establishment within any area where any other business engaged in retail sales is permitted to operate; provided that at least eighty percent of all revenue generated by such entity is used to fund the charitable purpose of the organization.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to preserve the rights of veterans, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved May 30, 2012

SB 562 [HCS SCS SB 562]

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 transfer of property by certain state universities

AN ACT to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by the governing boards of certain state universities, with an emergency clause.

SECTION

- A. Enacting clause.
- 37.005. Powers and duties, generally.
- B. Emergency clause.

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 one new section enacted in lieu thereof, to be known as section 37.005, 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 chief of the planning and construction division.

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 electronic data processing (EDP) and automatic data processing (ADP) 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 EDP and ADP 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 EDP and ADP 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 EDP and ADP 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 EDP and ADP 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 EDP and ADP equipment, and annually submit a report to the general assembly which shall include starting and ending EDP and ADP 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 to any 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, as defined in chapter 386. 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 rural electric cooperative, as governed in chapter 394, municipal corporation, or quasi-governmental corporation owning or operating a public utility, or a public utility, except railroad, as defined in chapter 386. The easement shall be for the purpose of promoting the general health, welfare and safety of the public and shall include the right of ingress or egress for the purpose of constructing, maintaining or removing any pipeline, power line, sewer or other similar public utility installation or any equipment or appurtenances necessary to the operation thereof, except that 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. The provisions of this subsection shall expire August 28, [2014] **2017**.

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 B. EMERGENCY CLAUSE. — Because immediate action is necessary to provide timely responses to potential property lessors, 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 July 5, 2012

SB 563 [HCS SCS SB 563]

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 term lengths of the board of governors of Missouri State University so that no more than three members' terms expire in any given year

AN ACT to repeal sections 166.415, 172.803, 173.300, 174.332, 174.450, 177.011, 301.449, and 301.3150, RSMo, and to enact in lieu thereof seventeen new sections relating to higher education, with emergency clause for certain sections.

SECTION

- A. Enacting clause.
- 166.415. Missouri higher education savings program, created, board, members, proxies, powers and duties, investments.
- 172.803. Award of funds, requirements.
- 173.300. Compact adopted.
- 173.480. Higher education capital fund created, use of moneys.
- 173.670. Initiative established, purpose, matching grants — fund created, use of moneys — authorized programs.
- 173.1400. Verification issued, when — form, information..
- 174.332. Northwest Missouri State University, board of regents, members, terms, appointment of, quorum requirements.
- 174.450. Board of governors to be appointed for certain public institutions of higher education, qualifications, terms — change in congressional districts, effect of.
- 177.011. Title and control of school property — inapplicability to community college districts.
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- 301.449. Colleges and universities emblems on licenses, procedure to use — contribution to institution — fee for special license plate.
- 301.3150. Procedure for approval, exceptions — transfer of moneys collected.
- 337.647. Verification and acknowledgment of completion, requirements — rulemaking authority.
- 620.2400. MERVN established, management of, purpose, requirements — report required.
 - 1. Conveyance of Missouri State University property to the City of Springfield.
 - 2. Conveyance of Missouri State University property to the City of Springfield.
 - 3. Granting of a drained easement on Missouri State University property to the City of Springfield.
 - 4. Granting of a sanitary sewer easement on Missouri State University property to the City of Springfield.
- B. Emergency clause.
- C. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 166.415, 172.803, 173.300, 174.332, 174.450, 177.011, 301.449, and 301.3150, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 166.415, 172.803, 173.300, 173.480, 173.670, 173.1400, 174.332, 174.450, 177.011, 301.449, 301.3150, 337.647, 620.2400, 1, 2, 3, and 4, to read as follows:

166.415. MISSOURI HIGHER EDUCATION SAVINGS PROGRAM, CREATED, BOARD, MEMBERS, PROXIES, POWERS AND DUTIES, INVESTMENTS. — 1. There is hereby created the "Missouri Higher Education Savings Program". The program shall be administered by the Missouri higher education savings program board which shall consist of the Missouri state treasurer who shall serve as chairman, the commissioner of the department of higher education, the commissioner of the office of administration, the director of the department of economic development, two persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one of whom is selected by the president pro tem of the senate and one of whom is selected by the speaker of the house of representatives, and one person having demonstrable experience and knowledge in the area of banking or deposit rate determination and placement of depository certificates of deposit or other deposit investments. Such member shall be appointed by the governor with the advice and consent of the senate. The three appointed members shall be appointed to serve for terms of four years from the date of appointment, or until their successors shall have been appointed and shall have qualified. The members of the board shall be subject to the conflict of interest provisions of section 105.452. Any member who violates the conflict of interest provisions shall be removed from the board. In order to establish and administer the savings program, the board, in addition to its other powers and authority, shall have the power and authority to:

(1) Develop and implement the Missouri higher education savings program and, notwithstanding any provision of sections 166.400 to 166.455 to the contrary, the savings programs and services consistent with the purposes and objectives of sections 166.400 to 166.455;

(2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.400 to 166.455, to permit the savings program to qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code and to ensure the savings program's compliance with all applicable laws;

(3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution for investment services, and their families, including special programs and materials to inform families with young children regarding methods for financing education and training beyond high school;

(4) Enter into agreements with any financial institution, the state or any federal or other agency or entity as required for the operation of the savings program pursuant to sections 166.400 to 166.455;

- (5) Enter into participation agreements with participants;
 - (6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the savings program;
 - (7) Invest the funds received from participants in appropriate investment instruments to achieve long-term total return through a combination of capital appreciation and current income;
 - (8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to participation agreements;
 - (9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.400 to 166.455 and the rules adopted by the board;
 - (10) Make provision for the payment of costs of administration and operation of the savings program;
 - (11) Effectuate and carry out all the powers granted by sections 166.400 to 166.455, and have all other powers necessary to carry out and effectuate the purposes, objectives and provisions of sections 166.400 to 166.455 pertaining to the savings program; and
 - (12) Procure insurance, guarantees or other protections against any loss in connection with the assets or activities of the savings program.
2. Any member of the board may designate a proxy for that member who will enjoy the full voting privileges of that member for the one meeting so specified by that member. No more than three proxies shall be considered members of the board for the purpose of establishing a quorum.
3. Four members of the board shall constitute a quorum. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board. No action shall be taken by the board except upon the affirmative vote of a majority of the members present.
4. The board shall meet within the state of Missouri at the time set at a previously scheduled meeting or by the request of any four members of the board. Notice of the meeting shall be delivered to all other trustees in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.
5. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688. **For new contracts entered into after August 28, 2012, board members shall study investment plans of other states and contract with or negotiate to provide benefit options the same as or similar to other states' qualified plans for the purpose of offering additional options for members of the plan.** The board may delegate to duly appointed investment counselors authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such counselors the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselors shall be registered as investment advisors with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board shall be liable for any action taken or omitted with respect to the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.
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6. No investment transaction authorized by the board shall be handled by any company or firm in which a member of the board has a substantial interest, nor shall any member of the board profit directly or indirectly from any such investment.

7. No trustee or employee of the savings program shall receive any gain or profit from any funds or transaction of the savings program. Any trustee, employee or agent of the savings program accepting any gratuity or compensation for the purpose of influencing such trustee's, employee's or agent's action with respect to the investment or management of the funds of the savings program shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery.

172.803. AWARD OF FUNDS, REQUIREMENTS. — 1. The board of curators, with the recommendations of the advisory board, shall award funds to selected investigators in accordance with the following provisions:

(1) Individual awards shall not exceed [thirty] **fifty** thousand dollars per year and shall expire at the end of one or two years, depending on the recommendation of the advisory board for each award;

(2) Costs for overhead of the grantee individual or institution shall not be allowed;

(3) Investigators shall be employees or staff members of public or private educational, health care, voluntary health association or research institutions which shall specify the institutional official responsible for administration of the award;

(4) Subject to the provisions of subsection 3 of section 172.801, preference shall be given to investigators new to the field of Alzheimer's disease and related disorders and to those experienced in the field but departing in a research direction different from their previous work. Lesser preference shall be given to proposals to sustain meritorious research in progress;

(5) Awards shall be used to obtain preliminary data to test hypotheses and to enable investigators to develop subsequent competitive applications for long-term funding from other sources; and

(6) The research project shall be conducted in Missouri.

2. Funds appropriated for but not awarded to research projects in any given year shall be included in the board of curators' appropriations request for research projects in the succeeding year.

173.300. COMPACT ADOPTED. — The Compact for Education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

Article I

Purpose and Policy

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among the executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

Article II State Defined

As used in this compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Article III The Commission

A. The [Educational] **Education** Commission of the States, hereinafter called "the commission", is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III(J).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (F) of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

Article IV

Powers

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

Article V

Cooperation With Federal Government

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the

commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

Article VI Committees

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. Eight of the voting membership of the steering committee shall consist of governors, eight shall be legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

B. The commission may establish advisory and technical committees composed of state, local and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

Article VII Finance

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III(G) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III(G) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled

by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any person authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

Article VIII

Eligible Parties; Entry Into and Withdrawal

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article IX

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

173.480. HIGHER EDUCATION CAPITAL FUND CREATED, USE OF MONEYS. — 1. There is hereby created in the state treasury the "Higher Education Capital Fund", which shall consist of money collected under this section. The general assembly may appropriate moneys to the fund for the purpose of providing matching funds to public colleges or universities, as provided in this section.

2. Moneys in the fund may be distributed to public colleges or universities in the form of matching funds for the funding of capital projects. The state shall not issue bonds to provide funding under this section. No moneys shall be distributed through the fund without a line item appropriation for a specific project. A public college or university may use the matching funds for new construction, rehabilitation, maintenance, renovation, or reconstruction. A public college or university shall not use any matching funds received pursuant to this section for any athletic facilities, parking structures, or student housing.

3. Any matching funds distributed under this section shall be limited to the amount of fifty percent of the project's cost. To qualify for matching funds, a public college or university shall complete an application to the commissioner of higher education and demonstrate that it has obtained fifty percent of the project's cost through private donations or grants. No funds from the higher education capital fund shall be made available to match funds that a public college or university has obtained from its operating budget, tuition, fees, the issuance of revenue bonds or general obligation bonds, or from any state appropriation.

4. The commissioner of higher education shall create an application and establish procedures for public colleges or universities to follow to receive matching funds under this section. The commissioner of higher education may promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

5. The commissioner of higher education shall administer the higher education capital fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180 the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section.

6. 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.

7. 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.

8. For purposes of this section, "public colleges or universities" shall mean any public community college, public college, or public university located in the state of Missouri.

173.670. INITIATIVE ESTABLISHED, PURPOSE, MATCHING GRANTS — FUND CREATED, USE OF MONEYS — AUTHORIZED PROGRAMS. — 1. There is hereby established within the department of higher education the "Missouri Science, Technology, Engineering and Mathematics Initiative". The department of higher education may award matching funds through this initiative to public institutions of higher education as part of the annual appropriations process.

2. The purpose of the initiative shall be to provide support to increase interest among elementary, secondary, and university students in fields of study related to science, technology, engineering, and mathematics and to increase the number of Missouri graduates in these fields at Missouri's public two-and four-year institutions of higher education.

3. There is hereby created a "Science, Technology, Engineering and Mathematics Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. 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.

4. The general assembly may appropriate funds to the science, technology, engineering, and mathematics fund to match institution funds to support the following programs:

(1) Endowed teaching professor programs, which provide funds to support faculty who teach undergraduate courses in science, technology, engineering, or mathematics fields at public institutions of higher education;

(2) Scholarship programs, which provide financial aid or loan forgiveness awards to Missouri students who study in the science, technology, engineering, or mathematics fields or who plan to enter the teaching field in Missouri with an emphasis on science, technology, engineering, and mathematics areas;

(3) Experiential youth programs at public colleges or universities, designed to provide Missouri middle school, junior high, and high school students with the opportunity to experience science, technology, engineering, and mathematics fields through camps or other educational offerings;

(4) Career enhancement programs for current elementary and secondary teachers and professors at Missouri public and private colleges and universities in the science, technology, engineering, or mathematics fields to improve the quality of teaching.

173.1400. VERIFICATION ISSUED, WHEN — FORM, INFORMATION. — 1. The state of Missouri hereby authorizes accredited Missouri colleges and universities to issue on behalf of the state a document of school social work program verification and acknowledgment of completion to any individual who has obtained a degree in social work from an accredited college or university and who:

(1) Holds a credential in school social work issued by a nationally recognized credentialing organization in social work; or

(2) Demonstrates competency in school social work by successful passage of a school social worker examination approved by the state committee for social workers established in section 337.622 and administered by the accredited college or university.

2. The department of higher education shall develop a form, available upon request to Missouri colleges and universities, containing the following information:

(1) The words "State of Missouri";

(2) The seal of the state of Missouri;

(3) A place for inclusion of the name of the issuing accredited Missouri college or university awarding the document;

(4) A statement of the criteria outlined in subsection 1 of this section;

(5) A place for inclusion of the name of the individual who has applied for the school social worker program verification and acknowledgment of completion;

(6) A place for inclusion of the date of issuance;

(7) A place for the signatures of a college or university official and an official from the state department of higher education; and

(8) A footnote stating: "No person shall hold himself or herself out to be a social worker unless such person has met the requirements of section 337.604."

3. The accredited Missouri college or university may issue a document on the state's behalf to any person making application as a credentialed school social worker provided such person meets the qualifications contained in this section.

174.332. NORTHWEST MISSOURI STATE UNIVERSITY, BOARD OF REGENTS, MEMBERS, TERMS, APPOINTMENT OF, QUORUM REQUIREMENTS. — 1. Notwithstanding the provisions of section 174.050 to the contrary, the board of regents of Northwest Missouri State University shall be composed of nine members, eight of whom shall be voting members and one who shall be a nonvoting member. Not more than four voting members shall belong to any one political party. **Not more than two voting members shall be residents of the same county.** The

appointed members of the board serving on August 28, 2008, shall continue to serve until the expiration of the terms for which the appointed members were appointed and until such time a successor is duly appointed.

2. The board of regents shall be appointed as follows:

(1) Six voting members shall be residents of the university's historic statutory service region, as described in section 174.010 and modified by section 174.250, provided at least one member shall be a resident of Nodaway County;

(2) Two voting members shall be residents of a county in the state that is outside the university's historic statutory service region, as described in section 174.010 and modified by section 174.250, provided these two members shall not be appointed from the same congressional district; and

(3) One nonvoting member shall be a full-time student of the university, a United States citizen, and a resident of Missouri.

3. A majority of the voting members of the board shall constitute a quorum for the transaction of business; however, no appropriation of money nor any contract that shall require any appropriation or disbursement of money shall be made, nor teacher employed or dismissed, unless a majority of the voting members of the board vote for the same.

4. Except as specifically provided in this section, the appointments and terms of office for the voting and nonvoting members of the board, and all other duties and responsibilities of the board, shall comply with the provisions of state law regarding boards of regents.

174.450. BOARD OF GOVERNORS TO BE APPOINTED FOR CERTAIN PUBLIC INSTITUTIONS OF HIGHER EDUCATION, QUALIFICATIONS, TERMS — CHANGE IN CONGRESSIONAL DISTRICTS, EFFECT OF. — 1. Except as provided in subsection 2 and subsection 6 of this section, the governing board of **the University of Central Missouri** [State University], Missouri State University, Missouri Southern State University, Missouri Western State University, and of each other public institution of higher education which, through the procedures established in subdivision (7) or (8) of section 173.030, is charged with a statewide mission shall be a board of governors consisting of eight members, composed of seven voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party. The appointed members of the board of regents serving on the date of the statutory mission change shall become members of the board of governors on the effective date of the statutory mission change and serve until the expiration of the terms for which they were appointed. The board of regents of any such institution shall be abolished on the effective date of the statutory mission change, as prescribed in subdivision (7) or (8) of section 173.030.

2. The governing board of Missouri State University, a public institution of higher education charged with a statewide mission in public affairs, shall be a board of governors of ten members, composed of nine voting members and one nonvoting member, who shall be appointed by the governor, by and with the advice and consent of the senate. The nonvoting member shall be a student selected in the same manner as prescribed in section 174.055. At least one but no more than two voting members shall be appointed to the board from each congressional district, and every member of the board shall be a citizen of the United States, and a resident of this state for at least two years prior to his or her appointment. No more than five voting members shall belong to any one political party. The term of office of the governors shall be six years, **except as provided in this subsection.** [The voting members of the board of governors serving on August 28, 2005, shall serve until the expiration of the terms for which they were appointed. For those voting members appointed after August 28, 2005, the term of office will be established in a manner where no more than three terms shall expire in a given

year.] The term of office for those appointed hereafter shall end January first in years ending in an odd number. **For the six voting members' terms that expired in 2011, the successors shall be appointed in the following manner:**

(1) **Of the five voting members' terms that expired on August 28, 2011, one successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2013;**

(2) **Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to terms that shall expire on January 1, 2015;**

(3) **Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to a term that shall expire on January 1, 2017; and**

(4) **For the voting member's term that expired on January 1, 2011, the successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2017.**

Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term.

3. If a voting member of the board of governors of Missouri State University is found by unanimous vote of the other governors to have moved such governor's residence from the district from which such governor was appointed, then the office of such governor shall be forfeited and considered vacant.

4. Should the total number of Missouri congressional districts be altered, all members of the board of governors of Missouri State University shall be allowed to serve the remainder of the term for which they were appointed.

5. Should the boundaries of any congressional districts be altered in a manner that displaces a member of the board of governors of Missouri State University from the congressional district from which the member was appointed, the member shall be allowed to serve the remainder of the term for which the member was appointed.

6. The governing board of Missouri Southern State University shall be a board of governors consisting of nine members, composed of eight voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party.

177.011. TITLE AND CONTROL OF SCHOOL PROPERTY — INAPPLICABILITY TO COMMUNITY COLLEGE DISTRICTS. — 1. The title of all schoolhouse sites and other school property is vested in the district in which the property is located, or if the directors of both school districts involved agree, a school district may own property outside of the boundaries of the district and operate upon such property for school purposes; provided that, such property may only be used for school purposes for students residing in the school district owning such property or students who are enrolled in such school district as part of a court-ordered desegregation plan. All property leased or rented for school purposes shall be wholly under the control of the school board during such time. No board shall lease or rent any building for school purposes while the district schoolhouse is unoccupied, and no schoolhouse or school site shall be abandoned or sold until another site and house are provided for the school district.

2. Notwithstanding the provisions of section 178.770, the provisions of this section shall not apply to community college districts. Nothing in this subsection shall be construed to impair the duty and authority of the coordinating board for higher education to approve academic programs under section 173.005.

301.449. COLLEGES AND UNIVERSITIES EMBLEMS ON LICENSES, PROCEDURE TO USE — CONTRIBUTION TO INSTITUTION — FEE FOR SPECIAL LICENSE PLATE. — [Any] **Only** a community college or four-year public or private institution of higher education, **or a foundation or organization representing the college or institution**, located in the state of Missouri may **itself authorize or may by the director of revenue be authorized to use the school's** [the use of its] official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to such institution derived from this section, except reasonable administrative costs, shall be used for scholarship endowment or other academically related purposes. Any vehicle owner may annually apply to the institution for the use of the emblem. Upon annual application and payment of an emblem use contribution to the institution, which shall be set by the governing body of the institution at an amount of at least twenty-five dollars, the institution shall issue to the vehicle owner, without further charge, an "emblem use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the institution, to the vehicle owner.

The license plate authorized by this section shall use the school colors of the institution, and those colors shall be constructed upon the license plate using a process to ensure that the school emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The license plate authorized by this section shall be issued with a design approved by both the institution of higher education and the advisory committee established in section 301.129. A vehicle owner, who was previously issued a plate with an institutional emblem authorized by this section and does not provide an emblem use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the institutional emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms including establishing a minimum number of license plates which can be issued with the authorized emblem of a participating institution.

301.3150. PROCEDURE FOR APPROVAL, EXCEPTIONS — TRANSFER OF MONEYS COLLECTED. — 1. An organization, other than an organization seeking a special military license plate **or a collegiate or university plate**, that seeks authorization to establish a new specialty license plate shall initially petition the department of revenue by submitting the following:

(1) An application in a form prescribed by the director for the particular specialty license plate being sought, describing the proposed specialty license plate in general terms and have a sponsor of at least one current member of the general assembly **in the same legislative session in which the application is reviewed pursuant to subsection 5 of section 21.795, RSMo.** The application may contain written testimony for support of this specialty plate;

(2) Each application submitted pursuant to this section shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate if the specialty plate is approved pursuant to this section;

(3) An application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing and programming the implementation of the specialty plate, if authorized; and

(4) All moneys received by the department of revenue, for the reviewing and development of specialty plates shall be deposited in the state treasury to the credit of the "Department of Revenue Specialty Plate Fund" which is hereby created. The state treasurer shall be custodian of the fund and shall make disbursements from the fund requested by the Missouri director of

revenue for personal services, expenses, and equipment required to prepare, review, develop, and disseminate a new specialty plate and process the two hundred applications to be submitted once the plate is approved and to refund deposits for the application of such specialty plate, if the application is not approved by the joint committee on transportation oversight and for no other purpose.

2. At the end of each state fiscal year, the director of revenue shall:

(1) Determine the amount of all moneys deposited into the department of revenue specialty plate fund;

(2) Determine the amount of disbursements from the department of revenue specialty plate fund which were made to produce the specialty plate and process the two hundred applications; and

(3) Subtract the amount of disbursements from the income figure referred to in subdivision (1) of this subsection and deliver this figure to the state treasurer.

3. The state treasurer shall transfer an amount of money equal to the figure provided by the director of revenue from the department of revenue specialty plate fund to the state highway department fund. An unexpended balance in the department of revenue specialty plate fund at the end of the biennium not exceeding twenty-five thousand dollars shall be exempt from the provisions of section 33.080 relating to transfer of unexpended balances to the general revenue fund.

4. The documents and fees required pursuant to this section shall be submitted to the department of revenue by July first prior to the next regular session of the general assembly to be approved or denied by the joint committee on transportation oversight during that legislative session.

5. The department of revenue shall give notice of any proposed specialty plate in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the specialty plate on the department's official public website, and making available copies of the specialty plate application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

6. Adequate notice conforming with all the requirements of subsection 5 of this section shall be given not less than four weeks, exclusive of weekends and holidays when the facility is closed, after the submission of the application by the organization to the department of revenue. Written or electronic testimony in support or opposition of the proposed specialty plate shall be submitted to the department of revenue by November thirtieth of the year of filing of the original proposal. All written testimony shall contain the printed name, signature, address, phone number, and email address, if applicable, of the individual giving the testimony.

7. The department of revenue shall submit for approval all applications for the development of specialty plates to the joint committee on transportation oversight during a regular session of the general assembly for approval.

8. If the specialty license plate requested by an organization is approved by the joint committee on transportation oversight, the organization shall submit the proposed art design for the specialty license plate to the department as soon as practicable, but no later than sixty days after the approval of the specialty license plate. If the specialty license plate requested by the organization is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the requesting organization.

9. An emblem-use authorization fee may be charged by the organization prior to the issuance of an approved specialty plate. The organization's specialty plate proposal approved by the joint committee on transportation oversight shall state what fee is required to obtain such statement and if such fee is required annually or biennially, if the applicant has a two-year registration. An organization applying for specialty plates shall authorize the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed

by the director of revenue and as provided in this section. Any contribution to the organization derived from the emblem-use contribution, except reasonable administrative costs, shall be used solely for the purposes of the organization. Any member of the organization or nonmember, if applicable, may annually apply for the use of the emblem, if applicable.

10. The department shall begin production and distribution of each new specialty license plate within one year after approval of the specialty license plate by the joint committee on transportation oversight.

11. The department shall issue a specialty license plate to the owner who meets the requirements for issuance of the specialty plate for any motor vehicle such owner owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

12. Each new or renewed application for an approved specialty license plate shall be made to the department of revenue, accompanied by an additional fee of fifteen dollars and the appropriate emblem-use authorization statement.

13. The appropriate registration fees, fifteen dollar specialty plate fee, processing fees and documents otherwise required for the issuance of registration of the motor vehicle as set forth by law must be submitted at the time the specialty plates are actually issued and renewed or as otherwise provided by law. However, no additional fee for the personalization of this plate shall be charged.

14. Once a specialty plate design is approved, a request for such plate may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, all documentation, credits, and fees provided for in this chapter when replacing a current license plate shall apply.

15. A vehicle owner who was previously issued a plate with an organization emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration if required, shall be issued a new plate which does not bear the organization's emblem, as otherwise provided by law.

16. Specialty license plates shall bear a design approved by the organization submitting the original application for approval by the joint committee on transportation oversight. The design shall be within the plate area prescribed by the director of revenue, and the designated organization's name or slogan shall be in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130 and as provided in this section. In addition to a design, the specialty license plates shall be in accordance with criteria and plate design set forth in this chapter.

17. The department is authorized to discontinue the issuance and renewal of a specialty license plate if the organization has stopped providing services and emblem-use authorization statements are no longer being issued by the organization. Such organizations shall notify the department immediately to discontinue the issuance of a specialty plate.

18. The organization that requested the specialty license plate shall not redesign the specialty personalized license plate unless such organization pays the director in advance all redesigned plate fees. All plate holders of such plates must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty plate. All other applicable license plate fees in accordance with this chapter shall be required.

337.647. VERIFICATION AND ACKNOWLEDGMENT OF COMPLETION, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. The committee shall develop a school social work program verification and acknowledgment of completion for individuals who have met the requirements set forth in this section.

2. The committee shall issue a document similar to the document described in subsection 2 of section 173.1400 to any individual who:

- (1) Submits an application to the board;
- (2) Holds a credential in school social work issued by a nationally recognized credentialing organization in social work, or demonstrates competency in school social work by successful passage of a school social worker exam approved by the committee;
- (3) Holds a license issued by the committee; and
- (4) Submits the fee as required by rule of the committee.

3. The committee shall promulgate rules and shall charge fees necessary to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

4. Notwithstanding any provision of law to the contrary, any school social work program verification and acknowledgment of completion issued by the committee under subsection 2 of this section shall not be deemed a license, certificate, registration or permit for any purpose, and such documents convey no authority to practice social work in Missouri and convey no authority to use any social work title in Missouri. Each school social work program verification and acknowledgment of completion issued by the committee under subsection 2 of this section shall state on its face that it:

- (1) Is not a license, certificate, registration or permit;
- (2) Conveys no authority to practice social work in Missouri; and
- (3) Conveys no authority to use any social work title in Missouri.

5. Notwithstanding any provision of law to the contrary, school social work program verification and acknowledgment of completion issued by the committee under subsection 2 of this section shall not:

- (1) Expire;
- (2) Be subject to renewal;
- (3) Be subject to denial or discipline under section 337.630;
- (4) Be subject to suspension under section 324.010; or
- (5) Be subject to any other action to which professional licenses may be subjected.

620.2400. MERVN ESTABLISHED, MANAGEMENT OF, PURPOSE, REQUIREMENTS — REPORT REQUIRED. — 1. There is hereby established the "Missouri Entrepreneur Resource Virtual Network (MERVN)" to be managed by Missouri small business and technology development centers. The centers shall seek sufficient private sector funding to develop, maintain, and market a virtual network to provide seamless access to statewide resources and expertise for entrepreneurs and existing businesses using private sector funding. Private sector funding shall be for general support of the virtual network and shall not be used to sponsor specific portions of the network. The network shall disclose the value of the donations and names of private sector organizations providing funding for the network. The network shall provide resources for small businesses regarding requirements for starting a business. The network shall connect Missouri entrepreneurs to available state and nonstate supported services and technical assistance. In developing and maintaining the network, the centers shall ensure that all listed resources meet established standards. The goal of the network is to assist in the creation of new Missouri ventures, the growth of existing businesses, and the ability of Missouri entrepreneurs to compete globally. To the greatest extent possible, the network shall be built on and linked to existing resources designed to make business assistance resources more accessible to Missouri businesses.

2. The network must have specific sections containing information for anyone considering starting a business, information for anyone that has decided to start a Missouri business, information about expanding a Missouri business, information about moving a business to Missouri from another state, and information about moving a business to Missouri from another country, with links to each section prominently displayed on the website home page. Missouri small business and technology development centers must apply search engine optimization to the website's content to achieve top search engine rankings.

3. Any portion of the network that involves state information systems or state websites is subject to the authority of the centers, including, but not limited to:

(1) Evaluation and approval;

(2) Review to ensure compliance with security policies, guidelines, and standards; and

(3) Assurance of compliance with accessibility standards.

3. By September 30, 2012, the centers shall report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over economic development and state government finances on the centers' plans and progress toward the development of the network under this section. Included in the report shall be detailed information on donations received and expenditures by the Missouri small business and technology development centers on the MERVN.

SECTION 1. CONVEYANCE OF MISSOURI STATE UNIVERSITY PROPERTY TO THE CITY OF SPRINGFIELD. — 1. The board of governors of Missouri State University is hereby authorized and empowered to sell, transfer, grant, and convey a perpetual street right of way in property owned by Missouri State University to the city of Springfield. The property to be conveyed is located at National Avenue and Monroe Street and is more particularly described as follows:

TRACT A

BEING A PART OF LOT 60 OF BIGGS AND GRAY'S ADDITION, BEING A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING A PART OF GRANTOR'S LAND AS DESCRIBED IN BOOK 2339, PAGE 519 OF THE GREENE COUNTY RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE NORTH 1.05 FEET OF THE EAST 15.78 FEET OF LOT 60, BIGGS AND GRAY'S ADDITION.

CONTAINING 17 SQUARE FEET OF NEW PERPETUAL STREET RIGHT OF WAY.

TRACT B

BEING A PART OF LOTS 54 AND 55 OF BIGGS AND GRAY'S ADDITION, BEING A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING A PART OF GRANTOR'S LAND AS DESCRIBED IN BOOK 2276, PAGE 383 OF THE GREENE COUNTY RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 54, AND BEING ON THE SOUTH RIGHT-OF-WAY LINE OF MONROE STREET; THENCE S88°54'15"E, ALONG THE SAID RIGHT-OF-WAY LINE, A DISTANCE OF 174.58 FEET TO THE SOUTHEAST CORNER OF SAID LOT 53, AND THE EXISTING WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE; THENCE S01°46'06"W, A DISTANCE OF 96.51 FEET; THENCE N04°37'20"W, A DISTANCE OF 48.84 FEET; THENCE

NORTHWESTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $64^{\circ}00'22''$, WITH A RADIUS OF 34.00 FEET, AN ARC DISTANCE OF 37.98 FEET; THENCE $N68^{\circ}37'42''W$, A DISTANCE OF 12.98 FEET; THENCE NORTHWESTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $14^{\circ}33'47''$, WITH A RADIUS OF 204.00 FEET, AN ARC DISTANCE OF 51.85 FEET; THENCE $N83^{\circ}11'29''W$, A DISTANCE OF 22.38 FEET; THENCE $N88^{\circ}54'15''W$, A DISTANCE OF 61.71 FEET TO THE WEST LINE OF SAID LOT 54; THENCE $N01^{\circ}51'49''E$, ALONG SAID WEST LINE, A DISTANCE OF 1.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,745 SQUARE FEET OF NEW PERPETUAL STREET RIGHT OF WAY.

TRACT C

BEING A PART OF LOTS 52 AND 53 OF BIGGS AND GRAY'S ADDITION, BEING A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING A PART OF GRANTOR'S LAND AS DESCRIBED IN BOOK 2066, PAGE 1451 OF THE GREENE COUNTY RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 53, AND BEING ON THE NORTH RIGHT-OF-WAY LINE OF MONROE STREET; THENCE $S88^{\circ}54'15''E$, ALONG THE SAID RIGHT-OF-WAY LINE, A DISTANCE OF 113.19 FEET TO THE POINT OF BEGINNING; THENCE $N85^{\circ}24'56''E$, A DISTANCE OF 37.53 FEET; THENCE $N38^{\circ}05'58''E$, A DISTANCE OF 28.41 FEET; THENCE $N01^{\circ}48'27''E$, A DISTANCE OF 60.76 FEET; THENCE $N06^{\circ}10'00''E$, A DISTANCE OF 18.99 FEET TO THE NORTH LINE OF SAID LOT 52; THENCE $S88^{\circ}07'56''E$, A DISTANCE OF 6.25 FEET TO THE EXISTING WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE; THENCE $S01^{\circ}48'26''W$, A DISTANCE OF 106.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 53, AND THE NORTH RIGHT-OF-WAY LINE OF EXISTING MONROE STREET; THENCE $N88^{\circ}54'15''W$, ALONG THE SAID RIGHT-OF-WAY LINE, A DISTANCE OF 61.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,131 SQUARE FEET OF NEW PERPETUAL STREET RIGHT OF WAY.

TRACT D

BEING A PART OF LOTS 50 AND 51 OF BIGGS AND GRAY'S ADDITION, BEING A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING A PART OF GRANTOR'S LAND AS DESCRIBED IN BOOK 2858, PAGE 1698 OF THE GREENE COUNTY RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 51, AND BEING ON THE WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE; THENCE $N88^{\circ}07'56''W$, ALONG THE SOUTH LINE OF SAID LOT 50, A DISTANCE OF 6.25 FEET; THENCE $N06^{\circ}10'00''E$, A DISTANCE OF 82.23 FEET TO THE WEST RIGHT-OF-WAY NATIONAL AVENUE; THENCE $S01^{\circ}48'26''W$, A DISTANCE OF 82.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 256 SQUARE FEET OF NEW PERPETUAL STREET RIGHT OF WAY.

2. The parties shall negotiate and set the terms and conditions for the conveyance. 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.

SECTION 2. CONVEYANCE OF MISSOURI STATE UNIVERSITY PROPERTY TO THE CITY OF SPRINGFIELD. — 1. The board of governors of Missouri State University is hereby authorized and empowered to sell, transfer, grant, and convey a perpetual street right of way in property owned by Missouri State University to the City of Springfield. The property is located at National Avenue and Grand Street and is more particularly described as follows:

A PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, THENCE NORTH 88°54'53" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 50.22 FEET; THENCE NORTH 01°05'07" EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF GRAND STREET AS IT NOW EXISTS; THENCE NORTH 47°19'44" EAST, A DISTANCE OF 32.05 FEET; THENCE NORTH 02°19'44" EAST, A DISTANCE OF 200.02 FEET; THENCE NORTH 10°09'58" EAST, A DISTANCE OF 101.26 FEET; THENCE NORTH 03°55'23" EAST, A DISTANCE OF 198.90 FEET; THENCE SOUTH 88°11'49" EAST, A DISTANCE OF 4.08 FEET TO THE WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE AS IT NOW EXISTS; THENCE SOUTH 01°49'53" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 520.78 FEET TO THE NORTH RIGHT-OF-WAY LINE OF GRAND STREET; THENCE NORTH 88°54'53" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 50.61 FEET TO THE POINT OF BEGINNING.

ALSO COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, THENCE NORTH 88°54'53" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 50.22 FEET; THENCE NORTH 01°05'07" EAST, A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF GRAND STREET AS IT NOW EXISTS; THENCE NORTH 88°54'53" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 71.13 FEET; THENCE ON A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,215.58 FEET, AN ARC LENGTH OF 103.01 FEET, A CENTRAL ANGLE OF 04°51'19" AND A LONG CHORD OF 102.98 FEET WHICH BEARS NORTH 84°45'54" WEST FOR A POINT OF BEGINNING; THENCE CONTINUING ON A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,525.50 FEET, AN ARC LENGTH OF 93.30 FEET, A CENTRAL ANGLE OF 03°30'15" AND A LONG CHORD OF 93.29 FEET WHICH BEARS NORTH 84°24'43" WEST; THENCE SOUTH 79°53'22" WEST, A DISTANCE OF 76.10 FEET TO THE NORTH RIGHT-OF-WAY LINE OF GRAND STREET; THENCE SOUTH 88°54'53" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 12.10 FEET; THENCE NORTH 87°16'17" EAST, A DISTANCE OF 120.27 FEET; THENCE ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,215.58 FEET, AN ARC LENGTH

OF 35.55 FEET, A CENTRAL ANGLE OF 01°40'32" AND A LONG CHORD OF 35.55 FEET WHICH BEARS SOUTH 88°01 '50" EAST TO THE POINT OF BEGINNING, CONTAINING 10,515 SQUARE FEET, (0.24 ACRES). ALL LYING IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

ALSO, A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST, THENCE NORTH 88°54'53" WEST ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 525.86 FEET; THENCE SOUTH 01°05'07" WEST, A DISTANCE OF 29.94 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF GRAND STREET AS IT NOW EXISTS; THENCE ALONG THE SOUTHRIGHT-OF-WAY LINE OF SAID GRAND STREET THE FOLLOWING FIVE (5) COURSES: SOUTH 88° 53'44" EAST, A DISTANCE OF 195.52 FEET; THENCE SOUTH 01°44'15" WEST, A DISTANCE OF 7.99 FEET; THENCE SOUTH 88°54'53" EAST, A DISTANCE OF 70.00 FEET; THENCE ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,139.58 FEET, AN ARC LENGTH OF 237.05, A CENTRAL ANGLE OF 11°55'06" AND A LONG CHORD OF 236.62 FEET WHICH BEARS SOUTH 82°56'51" EAST; THENCE ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 28.47 FEET, A CENTRAL ANGLE OF 54° 22'10" AND A LONG CHORD OF 27.41 FEET WHICH BEARS SOUTH 49° 30'54" EAST TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE AS IT NOW EXISTS; THENCE ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 13.85 FEET, A CENTRAL ANGLE OF 26°26'42" AND A LONG CHORD OF 13.72 FEET WHICH BEARS SOUTH 10°53'17" EAST; THENCE CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE SOUTH 01°44'15" WEST, A DISTANCE OF 364.11 FEET; THENCE NORTH 02°04'10" WEST, A DISTANCE OF 243.50 FEET; THENCE NORTH 01°53'46" EAST, A DISTANCE OF 34.34 FEET; THENCE NORTH 07°33'58" WEST, A DISTANCE OF 43.48 FEET; THENCE NORTH 44°34'02" WEST, A DISTANCE OF 67.88 FEET; THENCE NORTH 81°34'05" WEST, A DISTANCE OF 233.60 FEET; THENCE NORTH 71°13'31" WEST, A DISTANCE OF 69.94 FEET; THENCE ON A NON-TANGENT TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,490.50 FEET, AN ARC LENGTH OF 154.62 FEET, A CENTRAL ANGLE OF 05°56'37" AND A LONG CHORD OF 154.55 FEET WHICH BEARS NORTH 85°56'09" WEST; THENCE NORTH 01°05'32" EAST, A DISTANCE OF 0.51 FEET TO THE POINT OF BEGINNING, CONTAINING 16,700 SQUARE FEET, (0.38 Acres). ALL LYING IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

2. The parties shall negotiate and set the terms and conditions for the conveyance. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 3. GRANTING OF A DRAINED EASEMENT ON MISSOURI STATE UNIVERSITY PROPERTY TO THE CITY OF SPRINGFIELD. — 1. The board of governors of Missouri State

University is hereby authorized and empowered to sell, transfer, grant, and convey a drainage easement over, on, and under property owned by Missouri State University located at National Avenue and Grand Street to the City of Springfield. The easement to be conveyed is more particularly described as follows:

A PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, THENCE NORTH 88°54'53" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 50.22 FEET; THENCE NORTH 01°05'07" EAST, A DISTANCE OF 30.00 FEET; THENCE NORTH 47°19'44" EAST, A DISTANCE OF 32.05 FEET; THENCE NORTH 02°19'44" EAST, A DISTANCE OF 189.10 FEET FOR A POINT OF BEGINNING; THENCE NORTH 87°40'16" WEST, A DISTANCE OF 19.36 FEET; THENCE NORTH 02°19'44" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 87°40'16" EAST, A DISTANCE OF 20.61 FEET; THENCE SOUTH 10°09'58" WEST, A DISTANCE OF 9.17 FEET; THENCE SOUTH 02°19'44" WEST, A DISTANCE OF 10.92 FEET TO THE POINT OF BEGINNING, CONTAINING 393 SQUARE FEET, (0.01 Acres). ALL LYING IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

ALSO A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29, THENCE SOUTH 01°44'15" WEST ALONG THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 457.53 FEET FOR THE POINT OF BEGINNING, THENCE NORTH 88°06'14" WEST, A DISTANCE OF 15.25 FEET; THENCE NORTH 03°01'24" EAST, A DISTANCE OF 171.43 FEET; THENCE SOUTH 02°04'10" EAST, A DISTANCE OF 171.81 FEET TO THE POINT OF BEGINNING.

ALSO A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29, THENCE NORTH 88°54'53" WEST ALONG THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 47.36 FEET; THENCE SOUTH 01°05'07" WEST, A DISTANCE OF 11 4.87 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 35°36'30" WEST, A DISTANCE OF 42.70 FEET; THENCE NORTH 67°27'15" WEST, A DISTANCE OF 27.08 FEET; THENCE NORTH 10°19'44" EAST, A DISTANCE OF 53.16 FEET; THENCE SOUTH 81°34'05" EAST, A DISTANCE OF 15.14 FEET; THENCE SOUTH 44°34'02" EAST, A DISTANCE OF 36.15 FEET TO THE POINT OF BEGINNING. ALSO A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29, THENCE NORTH 88°54'53" WEST ALONG THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 241.90 FEET; THENCE SOUTH 01°05'07" WEST, A DISTANCE OF 67.85 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 25°16'58" EAST, A DISTANCE OF 55.15 FEET; THENCE SOUTH 64°43'02" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 25°16'58" WEST, A

DISTANCE OF 65.16 FEET; THENCE SOUTH 81°34'05" EAST, A DISTANCE OF 18.03 FEET TO THE POINT OF BEGINNING, CONTAINING 4,125 SQUARE FEET (0.09 ACRES). ALL LYING IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

2. The parties shall negotiate and set the terms and conditions for the conveyance. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 4. GRANTING OF A SANITARY SEWER EASEMENT ON MISSOURI STATE UNIVERSITY PROPERTY TO THE CITY OF SPRINGFIELD. — 1. The board of governors of Missouri State University is hereby authorized and empowered to sell, transfer, grant, and convey a sanitary sewer easement over, on, and under property owned by Missouri State University located at National Avenue and Grand Street to the City of Springfield. The easement to be conveyed is more particularly described as follows:

A PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, THENCE NORTH 88°54'53" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 50.22 FEET; THENCE NORTH 01°05'07" EAST, A DISTANCE OF 30.00 FEET; THENCE NORTH 47°19'44" EAST, A DISTANCE OF 32.05 FEET; THENCE NORTH 02°19'44" EAST, A DISTANCE OF 98.23 FEET FOR A POINT OF BEGINNING; THENCE NORTH 25°37'05" WEST, A DISTANCE OF 32.30 FEET; THENCE NORTH 05°29'44" EAST, A DISTANCE OF 120.31 FEET; THENCE SOUTH 88°11 '49" EAST, A DISTANCE OF 14.96 FEET; THENCE SOUTH 10°09'58" WEST, A DISTANCE OF 47.46 FEET; THENCE SOUTH 02°19'44" WEST, A DISTANCE OF 101.79 FEET TO THE POINT OF BEGINNING, CONTAINING 1,788 SQUARE FEET, (0.04 ACRES). ALL LYING IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

2. The parties shall negotiate and set the terms and conditions for the conveyance. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION B. EMERGENCY CLAUSE. — Because of the importance of appointing members to governing boards of state universities in a timely manner, the repeal and reenactment of sections 174.332 and 174.450 of this act are 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 174.332 and 174.450 of this act shall be in full force and effect upon its passage and approval.

SECTION C. EMERGENCY CLAUSE. — Because of the need to provide school social work program verification and acknowledgement of completion before the start of the 2012-2013 school year, the enactment of section 173.1400 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 173.1400 of this act shall be in full force and effect upon its passage.

Approved July 5, 2012

SB 568 [CCS HCS SB 568]

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

Expands Missouri's Move Over Law to include vehicles operated by Transportation Department employees

AN ACT to repeal sections 94.700, 301.140, 301.147, 301.190, 301.193, 302.341, 302.700, 304.022, 304.180, 304.190, 306.127, and 306.532, RSMo, and to enact in lieu thereof thirteen new sections relating to transportation, with penalty provisions, an emergency clause for a certain section, an effective date for a certain section, and contingent effective dates for certain sections.

SECTION

- A. Enacting clause.
- 94.700. Definitions.
- 301.140. Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — expiration date, certain subsections — additional temporary license plate may be purchased, when.
- 301.147. Biennial registration, requirements, fee — rulemaking authority, procedure — staggering registration periods.
- 301.190. Certificate of ownership — application, contents — special requirements, certain vehicles — fees — failure to obtain within time limit, delinquency penalty — duration of certificate — unlawful to operate without certificate — certain vehicles brought into state in a wrecked or damaged condition or after being towed, inspection — certain vehicles previously registered in other states, designation — reconstructed motor vehicles, procedure.
- 301.193. Abandoned property, titling of, privately owned real estate, procedure — inability to obtain negotiable title, salvage or junking certificate authorized.
- 302.341. Moving traffic violation, failure to prepay fine or appear in court, license suspended, procedure — reinstatement when — excessive revenue from fines to be distributed to schools — definition, state highways.
- 302.700. Citation of law — definitions.
- 302.768. Compliance with federal law, certification required — application requirements, procedure.
- 304.022. Emergency vehicle defined — use of lights and sirens — right-of-way — stationary vehicles, procedure — penalty.
- 304.180. Regulations as to weight — axle load, tandem axle defined — idle reduction technology, increase in maximum gross weight permitted, amount — hauling livestock or milk, total gross weight permitted.
- 304.190. Height and weight regulations (cities of 75,000 or more) — commercial zone defined.
- 306.127. Boating safety identification card required, when, requirements, fee — inapplicable, when — temporary boater safety identification card issued to nonresidents, when, rules, fee authorized, expiration date.
- 306.532. Certificate of title to designate year of manufacture
- B. Emergency clause.
- C. Contingent effective date.
- D. Contingent effective date.
- E. Effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 94.700, 301.140, 301.147, 301.190, 301.193, 302.341, 302.700, 304.022, 304.180, 304.190, 306.127, and 306.532, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 94.700, 301.140, 301.147, 301.190, 301.193, 302.341, 302.700, 302.768, 304.022, 304.180, 304.190, 306.127, and 306.532, to read as follows:

94.700. DEFINITIONS. — The following words, as used in sections 94.700 to 94.755, shall have the following meaning unless a different meaning clearly appears from the context:

(1) "City" shall mean any incorporated city, town, or village in the state of Missouri with a population of one hundred or more, but the term "city" does not include any city not within a

county or any city of over four hundred thousand inhabitants wholly or partially within a first class county;

(2) "City transit authority" shall mean a commission or board created by city charter provision or by ordinance of a city, and which operates a public mass transportation system;

(3) "City utilities board" shall mean a board or commission created by city charter provision or by ordinance of a city, which controls and operates city-owned utilities including a public mass transportation system;

(4) "Director of revenue" shall mean the director of revenue of the state of Missouri;

(5) "Interstate transportation authority" shall mean any political subdivision created by compact between this state and another state, which is a body corporate and politic and a political subdivision of both contracting states, and which operates a public mass transportation system;

(6) "Interstate transportation district" shall mean that geographical area set forth and defined in the particular compact between this state and another state;

(7) "Person" shall mean an individual, corporation, partnership, or other entity;

(8) "Public mass transportation system" shall mean a transportation system or systems owned and operated by an interstate transportation authority, a municipality, a city transit authority, or a city utilities board, employing motor buses, rails or any other means of conveyance, by whatsoever type or power, operated for public use in the conveyance of persons, mainly providing local transportation service within an interstate transportation district or municipality;

(9) "Transportation purposes" shall mean financial support of a "public mass transportation system"; the construction, reconstruction, repair and maintenance of streets, roads, **sidewalks, trails, community-owned parking lots**, and bridges within a municipality; the construction, reconstruction, repair and maintenance of airports owned and operated by municipalities; the acquisition of lands and rights-of-way for streets, roads, **sidewalks, trails, community-owned parking lots**, bridges, and airports; and planning and feasibility studies for streets, roads, **sidewalks, trails, community-owned parking lots**, bridges, and airports. "Bridges" shall include bridges connecting a municipality with another municipality either within or without the state, with an unincorporated area of the state, or with another state or an unincorporated area thereof.

301.140. PLATES REMOVED ON TRANSFER OR SALE OF VEHICLES — USE BY PURCHASER — REREGISTRATION — USE OF DEALER PLATES — TEMPORARY PERMITS, FEES — CREDIT, WHEN — EXPIRATION DATE, CERTAIN SUBSECTIONS — ADDITIONAL TEMPORARY LICENSE PLATE MAY BE PURCHASED, WHEN. — 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee

of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. [Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5.] **The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days from the date of purchase.** The temporary permit [shall be made available by the director of revenue and] **authorized under this section** may be purchased **by the purchaser of a motor vehicle or trailer** from the **central office of the** department of revenue **or from an authorized agent of the department of revenue** upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a **motor vehicle** dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, **or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates.** The director [shall] **of the department of revenue or a producer authorized by the director of the department of revenue** may make temporary permits available to registered dealers in this state [or], authorized agents of the department of revenue [in sets of ten permits] **or the department of revenue.** The [fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate issued] **price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit.** The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to

compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer [or], authorized agent or the department of revenue shall charge more than [seven dollars and fifty cents] **five dollars** for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a **motor vehicle** dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. **Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.**

[6.] **5.** The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's [use in the] **temporary** operation of the motor vehicle or trailer purchased to enable the applicant to [legally] **temporarily** operate the **motor** vehicle while proper title and registration [plate] **plates** are being obtained, **or while awaiting receipt of registration plates**, and shall be displayed on no other **motor** vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director of the department of revenue shall determine the size [and], **material, design**, numbering configuration, construction, and color of the permit. **The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.**

[7.] The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit.]

6. Every **motor vehicle** dealer that issues [a] temporary [permit] **permits** shall keep, for inspection [of] by proper officers, [a correct] **an accurate** record of each permit issued by recording the permit [or plate] number, **the motor vehicle dealer's number**, buyer's name and address, **the motor vehicle's** year, make, and manufacturer's vehicle identification number [on which the permit is to be used], and the **permit's** date of issuance and **expiration date**. **Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.**

[8.] **7.** Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of **motor** vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

9. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to

chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

301.147. BIENNIAL REGISTRATION, REQUIREMENTS, FEE — RULEMAKING AUTHORITY, PROCEDURE — STAGGERING REGISTRATION PERIODS. — 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of [twelve] **fifty-four** thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of a motor vehicle safety inspection and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026.

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the authority delegated in this section 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 July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.

301.190. CERTIFICATE OF OWNERSHIP — APPLICATION, CONTENTS — SPECIAL REQUIREMENTS, CERTAIN VEHICLES — FEES — FAILURE TO OBTAIN WITHIN TIME LIMIT, DELINQUENCY PENALTY — DURATION OF CERTIFICATE — UNLAWFUL TO OPERATE WITHOUT CERTIFICATE — CERTAIN VEHICLES BROUGHT INTO STATE IN A WRECKED OR DAMAGED CONDITION OR AFTER BEING TOWED, INSPECTION — CERTAIN VEHICLES PREVIOUSLY REGISTERED IN OTHER STATES, DESIGNATION — RECONSTRUCTED MOTOR VEHICLES, PROCEDURE. — 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for

making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536 indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the

same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. **Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle, shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination.** The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and

only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles. The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

301.193. ABANDONED PROPERTY, TITLING OF, PRIVATELY OWNED REAL ESTATE, PROCEDURE — INABILITY TO OBTAIN NEGOTIABLE TITLE, SALVAGE OR JUNKING CERTIFICATE AUTHORIZED. — 1. Any person who purchases or is the owner of real property

on which vehicles, as defined in section [301.011] **301.010**, vessels or watercraft, as defined in section 306.010, or outboard motors, as that term is used in section 306.530, have been abandoned, without the consent of said purchaser or owner of the real property, may apply to the department of revenue for a certificate of title. Any insurer which purchases a vehicle through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make an application to the department of revenue for a salvage certificate of title pursuant to this section. Prior to making application for a certificate of title on a vehicle under this section, the insurer or owner of the real estate shall have the vehicle inspected by law enforcement pursuant to subsection 9 of section 301.190, and shall have law enforcement perform a check in the national crime information center and any appropriate statewide law enforcement computer to determine if the vehicle has been reported stolen and the name and address of the person to whom the vehicle was last titled and any lienholders of record. The insurer or owner or purchaser of the real estate shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle by certified mail that the owner intends to apply for a certificate of title from the director for the abandoned vehicle. The application for title shall be accompanied by:

(1) A statement explaining the circumstances by which the property came into the insurer, owner or purchaser's possession; a description of the property including the year, make, model, vehicle identification number and any decal or license plate that may be affixed to the vehicle; the current location of the property; and the retail value of the property;

(2) An inspection report of the property, if it is a vehicle, by a law enforcement agency pursuant to subsection 9 of section 301.190; and

(3) A copy of the thirty-day notice and certified mail receipt mailed to any owner and any person holding a valid security interest of record.

2. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the latest owner or lienholder was not notified the director shall inform the insurer, owner, or purchaser of the real estate of the latest owner and lienholder information so that notice may be given as required by subsection 1 of this section. Any owner or lienholder receiving notification may protest the issuance of title by, within the thirty-day notice period and may file a petition to recover the vehicle, naming the insurer or owner of the real estate and serving a copy of the petition on the director of revenue. The director shall not be a party to such petition but shall, upon receipt of the petition, suspend the processing of any further certificate of title until the rights of all parties to the vehicle are determined by the court. Once all requirements are satisfied the director shall issue one of the following:

(1) An original certificate of title if the vehicle examination certificate, as provided in section 301.190, indicates that the vehicle was not previously in a salvaged condition or rebuilt;

(2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190 indicates the vehicle was previously in a salvaged condition or rebuilt;

(3) A salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the property as stated in the inspection report. An insurer purchasing a vehicle through the claims adjustment process under this section shall only be eligible to obtain a salvage certificate of title or junking certificate.

3. Any insurer which purchases a vehicle that is currently titled in Missouri through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make application to the department of revenue for a salvage certificate of title or junking certificate. Such application may be made by the insurer or its designated salvage pool on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least two written

attempts to obtain the certificate of title, transfer documents, or other acceptable evidence of title, and be accompanied by proof of claims payment from the insurer, evidence that letters were delivered to the vehicle owner, a statement explaining the circumstances by which the property came into the insurer's possession, a description of the property including the year, make, model, vehicle identification number, and current location of the property, and the fee prescribed in subsection 5 of section 301.190. The insurer shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle that the insurer intends to apply for a certificate of title from the director for the vehicle. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue to verify the name and address of any owners and any lienholders. After thirty days from receipt of the application, if no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the insurer.

302.341. MOVING TRAFFIC VIOLATION, FAILURE TO PREPAY FINE OR APPEAR IN COURT, LICENSE SUSPENDED, PROCEDURE — REINSTATEMENT WHEN — EXCESSIVE REVENUE FROM FINES TO BE DISTRIBUTED TO SCHOOLS — DEFINITION, STATE HIGHWAYS. — 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record **if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense.** The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town or village receives more than thirty-five percent of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways, all revenues from such violations in excess of thirty-five percent of the annual general operating revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number. The director of

the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, or village disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, or village may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

302.700. CITATION OF LAW — DEFINITIONS. — 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

(1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;

(3) **"CDLIS driver record", the electronic record of the individual commercial driver's status and history stored by the state of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;**

(4) **"CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS driver record which meets the requirements for access to CDLIS information and is provided by states to users authorized in 49 CFR Part 384, subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;**

(5) "Commercial driver's instruction permit", a permit issued pursuant to section 302.720;

[(4)] (6) "Commercial driver's license", a license issued by this state to an individual which authorizes the individual to operate a commercial motor vehicle;

[(5)] (7) **"Commercial driver's license downgrade", occurs when:**

(a) **A driver changes the self-certification to interstate, but operates exclusively in transportation or operation excepted from 49 CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2, 391.68, or 398.3;**

(b) **A driver changes the self-certification to intrastate only, if the driver qualifies under the state's physical qualification requirements for intrastate only;**

(c) **A driver changes the self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or**

(d) **The state removes the commercial driver's license privilege from the driver's license;**

(8) "Commercial driver's license information system (CDLIS)", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

[(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to transport passengers or property:

(a) If the vehicle has a gross combination weight rating of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand one pounds or more;

(b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds or such lesser rating as determined by federal regulation;

(c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or

(d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801, et seq.);

[(7)] **(10)** "Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules I through V of 21 CFR part 1308, as they may be revised from time to time;

[(8)] **(11)** "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

[(9)] **(12)** "Director", the director of revenue or his authorized representative;

[(10)] **(13)** "Disqualification", any of the following three actions:

(a) The suspension, revocation, or cancellation of a commercial driver's license;

(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a state, **Canada, or Mexico** as the result of a violation of federal, state, county, municipal, or local law relating to motor vehicle traffic control or violations committed through the operation of motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

[(11)] **(14)** "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

[(12)] **(15)** "Driver", any person who drives, operates, or is in physical control of a motor vehicle, or who is required to hold a commercial driver's license;

(16) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license in this state;

[(13)] **(17)** "Driving under the influence of alcohol", the commission of any one or more of the following acts:

(a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as prescribed by the secretary or such other alcohol concentration as may be later determined by the secretary by regulation;

(b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance;

(c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance;

(d) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more;

[(14)] **(18)** "Driving under the influence of a controlled substance", the commission of any one or more of the following acts in a commercial or noncommercial motor vehicle:

(a) Driving a commercial or noncommercial motor vehicle while under the influence of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they may be revised from time to time;

(b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

(c) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance;

[(15)] **(19)** "Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle;

(20) "Endorsement", an authorization on an individual's commercial driver's license permitting the individual to operate certain types of commercial motor vehicles;

[(16)] **(21)** "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when transporting fertilizers as defined in subdivision [(21)] **(27)** of this subsection;

[(17)] **(22)** "Fatality", the death of a person as a result of a motor vehicle accident;

[(18)] **(23)** "Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(24) "Foreign", outside the fifty states of the United States and the District of Columbia;

[(19)] **(25)** "Gross combination weight rating" or "GCWR", the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon;

[(20)] **(26)** "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer as the loaded weight of a single vehicle;

[(21)] **(27)** "Hazardous materials", any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered hazardous materials when transported by a farm vehicle provided all other provisions of this definition are followed;

[(22)] **(28)** "Imminent hazard", the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begins to lessen the risk of that death, illness, injury, or endangerment;

[(23)] **(29)** "Issuance", the initial licensure, license transfers, license renewals, and license upgrades;

(30) "Medical examiner", a person who is licensed, certified, or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic;

(31) "Medical variance", when a driver has received one of the following that allows the driver to be issued a medical certificate:

(a) An exemption letter permitting operation of a commercial motor vehicle under 49 CFR Part 381, Subpart C or 49 CFR Part 391.64;

(b) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 CFR Part 391.49;

[(24)] **(32)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

[(25)] **(33)** "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" in this section;

[(26)] **(34)** "Out of service", a temporary prohibition against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier;

[(27)] **(35)** "Out-of-service order", a declaration by [the Federal Highway Administration, or any] an authorized enforcement officer of a federal, state, [Commonwealth of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service **under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;**

[(28)] **(36)** "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;

[(29)] **(37)** "Secretary", the Secretary of Transportation of the United States;

[(30)] **(38)** "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:

(a) Excessive speeding, as defined by the Secretary by regulation;

(b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;

(c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation;

(d) Driving a commercial motor vehicle without obtaining a commercial driver's license in violation of any federal or state or county or municipal ordinance;

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;

(f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance; or

(g) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the secretary by regulation;

[(31)] **(39)** "State", a state[, territory or possession] of the United States[, the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada];

[32] (40) "United States", the fifty states and the District of Columbia.

302.768. COMPLIANCE WITH FEDERAL LAW, CERTIFICATION REQUIRED — APPLICATION REQUIREMENTS, PROCEDURE. — 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) **Nonexcepted interstate:** Certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) **Excepted interstate:** Certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) **Nonexcepted intrastate:** Certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) **Excepted intrastate:** Certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories defined in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiners certificate or a medical examiners certificate accompanied by a medical variance or waiver. The state shall retain the original or copy of the documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide an updated medical certificate or variance documents to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

5. The director shall post the medical examiners certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiners certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section.

8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled for a period of one year after the director discovers such falsification.

9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

304.022. EMERGENCY VEHICLE DEFINED — USE OF LIGHTS AND SIRENS — RIGHT-OF-WAY — STATIONARY VEHICLES, PROCEDURE — PENALTY. — 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation 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.

304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — IDLE REDUCTION TECHNOLOGY, INCREASE IN MAXIMUM GROSS WEIGHT PERMITTED, AMOUNT — HAULING LIVESTOCK OR MILK, TOTAL GROSS WEIGHT PERMITTED. — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet
between the extremes

of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise

		Maximum load in pounds			
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000

48	60,000	74,000	78,000	80,000
49	60,000	74,500	78,500	80,000
50	60,000	75,500	79,000	80,000
51	60,000	76,000	80,000	80,000
52	60,000	76,500	80,000	80,000
53	60,000	77,500	80,000	80,000
54	60,000	78,000	80,000	80,000
55	60,000	78,500	80,000	80,000
56	60,000	79,500	80,000	80,000
57	60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in [subsection 9] **subsections 9 and 10** of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway [65, and] **63**, on U.S. Highway 65 from the Iowa state line to U.S. Highway 36, **and on U.S. Highway 63 from the Iowa state line to**

U.S. Highway 36. The provisions of this subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility 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 on the Dwight D. Eisenhower System of Interstate and Defense Highways.

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; [further, provided, however,]

(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; [further provided, however,]. **The commercial zone shall continue east along state route 10 from the intersection of state route 10 and state route 210 to the eastern city limit of a city of the fourth classification with more than five hundred fifty but fewer than six hundred twenty-five inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat. The commercial zone described in this subdivision shall be extended to also include the stretch of state route 45 from its intersection with Interstate 29 extending northwest to the city limits of any village with more than forty but fewer than fifty inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of**

the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat;

(3) The commercial zone of a city of the third classification with more than nine thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city limits along U.S. Highway 61 to the intersection of state route OO in a county of the third classification without a township form of government and with more than seventeen thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants.

4. 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.

[4.] 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.

[5.] 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.

306.127. BOATING SAFETY IDENTIFICATION CARD REQUIRED, WHEN, REQUIREMENTS, FEE — INAPPLICABLE, WHEN — TEMPORARY BOATER SAFETY IDENTIFICATION CARD ISSUED TO NONRESIDENTS, WHEN, RULES, FEE AUTHORIZED, EXPIRATION DATE. — 1. Beginning January 1, 2005, every person born after January 1, 1984, or as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall possess, on the vessel, a boating safety identification card issued by the Missouri state water patrol or its agent which shows that he or she has:

(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Missouri state water patrol. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The Missouri state water patrol shall maintain a list of approved courses; or

(2) Successfully passed an equivalency examination prepared by the Missouri state water patrol and administered by the Missouri state water patrol or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or

(3) A valid master's, mate's, or operator's license issued by the United States Coast Guard.

2. The Missouri state water patrol or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law.

3. The Missouri state water patrol may charge a fee for such card or any replacement card that does not substantially exceed the costs of administering this section. The Missouri state water patrol or its designated agent shall collect such fees. These funds shall be forwarded to general revenue.

4. The provisions of this section shall not apply to any person who:

(1) Is licensed by the United States Coast Guard to serve as master of a vessel;

(2) Operates a vessel only on a private lake or pond that is not classified as waters of the state;

(3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;

(4) Is participating in an event or regatta approved by the water patrol;

(5) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators (NASBLA);

(6) Is exempted by rule of the water patrol;

(7) Is currently serving in any branch of the United States armed forces, reserves, or Missouri national guard, or any spouse of a person currently in such service; or

(8) Has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA).

5. The Missouri state water patrol shall inform other states of the requirements of this section.

6. No individual shall be detained or stopped strictly for the purpose of checking whether the individual possesses a boating safety identification card or a temporary boater education permit.

7. [Beginning January 1, 2006, any nonresident born after January 1, 1984, desiring to operate a rental vessel on the lakes of this state, may obtain a temporary boater education permit by completing and passing a written examination developed by the Missouri state water patrol, provided the person meets the minimum age requirements for operating a vessel in this state. The Missouri state water patrol is authorized to promulgate rules for developing the examination and any requirements necessary for issuance of the temporary boater education permit. The temporary boater education permit shall expire when the nonresident obtains a permanent identification card pursuant to subsection 2 of this section or thirty days after issuance, whichever occurs first. The Missouri state water patrol may charge a fee not to exceed ten dollars for such temporary permit. Upon successful completion of an examination and prior to renting a vessel, the business entity responsible for giving the examination shall collect such fee and forward all collected fees to the Missouri state water patrol on a monthly basis for deposit in the state general revenue fund. Such business entity shall incur no additional liability in accepting the responsibility for administering the examination. This subsection shall terminate on December 31, 2010.] **Any person or company that rents or sells vessels may issue a temporary boating safety identification card to a nonresident of the state to operate a rented vessel or a vessel being considered for sale, for a period of up to seven days, provided that the individual meets the minimum age requirements for operating a vessel in this state. In order to qualify for the temporary boating safety identification card, the applicant shall provide a valid driver's license establishing that the applicant is a nonresident and shall sign an affidavit that he or she has reviewed the Missouri State Highway Patrol Handbook of Missouri Boating Laws and Responsibilities. Any nonresident holding a valid temporary boating safety identification card shall be deemed in compliance with the requirements of this section. The Missouri state highway patrol shall charge a fee of nine dollars for such temporary boating safety identification card. Nonresidents shall not be eligible for more than one temporary boating safety identification card. No person or company may issue a temporary boating safety identification card to a nonresident under the provisions of this subsection unless such person or company is capable of submitting the applicant's temporary boating safety identification card information and payment in an electronic format as prescribed by the Missouri state highway patrol. The business entity issuing a temporary boating safety identification card to a nonresident under the provisions of this subsection shall transmit the applicant's temporary boating safety identification card information electronically to the Missouri state highway patrol, in a manner and format prescribed by the superintendent, using an electronic online registration process developed and provided by the Missouri state highway patrol. The**

electronic online process developed and provided by the Missouri state highway patrol shall allow the applicant to pay the temporary boating safety identification card fee by credit card or debit card. Notwithstanding any provision in section 306.185 to the contrary, all fees collected under the authority of this subsection shall be deposited in the water patrol division fund. The Missouri state highway patrol shall promulgate rules for developing the temporary boating safety identification card and any requirements necessary to the issuance, processing, and payment of the temporary boating safety identification card. The Missouri state highway patrol shall, by rule, develop a boating safety checklist for each applicant seeking a temporary boating safety identification card. The provisions of this subsection shall expire on December 31, 2022.

306.532. CERTIFICATE OF TITLE TO DESIGNATE YEAR OF MANUFACTURE — Effective [January 1, 2011] **August 28, 2012**, the certificate of title for a new outboard motor shall designate the year the outboard motor was manufactured as the "Year Manufactured" and shall further designate the year the dealer received the new outboard motor from the manufacturer as the "Model Year-NEW". **Any outboard motor manufactured on or after July first of any year shall be labeled "Year Manufactured" with the calendar year immediately following the year manufactured unless the manufacturer indicates a specific model or program year.**

SECTION B. EMERGENCY CLAUSE. — Because of the need to ensure that out-of-state residents are knowledgeable in the safe operation of vessels, the repeal and reenactment of section 306.127 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 306.127 of this act shall be in full force and effect upon its passage and approval.

SECTION C. CONTINGENT EFFECTIVE DATE. — The repeal and reenactment of section 302.700 and the enactment of section 302.768 of this act shall become effective on the date the director of the department of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768, or on May 1, 2013, whichever occurs first. If the director of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768 prior to May 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

SECTION D. CONTINGENT EFFECTIVE DATE. — The repeal and reenactment of section 301.140 of this act shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

SECTION E. EFFECTIVE DATE — The repeal and reenactment of section 301.147 shall become effective July 1, 2015.

Approved July 12, 2012

SB 576 [SS SCS SB 576]

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 charter schools

AN ACT to repeal sections 29.205, 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof nine new sections relating to charter schools.

SECTION

- A. Enacting clause.
- 29.205. Power to audit school districts.
- 160.400. Charter schools, defined, St. Louis City and Kansas City school districts — sponsors — use of public school buildings — organization of charter schools — affiliations with college or university — criminal background check required.
- 160.403. Sponsoring a charter school, annual application and approval, contents of application, approval requirements.
- 160.405. Proposed charter, how submitted, requirements, submission to state board, powers and duties — approval, revocation, termination — definitions — lease of public school facilities, when — unlawful reprisal, defined, prohibited.
- 160.410. Admission, preferences for admission permitted, when — study of performance to be commissioned by department, costs, contents, results to be made public — move out of school district, effect of.
- 160.415. Distribution of state school aid for charter schools — powers and duties of governing body of charter schools.
- 160.417. Financial stress, review of report information by charter school sponsor, when — criteria for financial stress.
- 160.420. Employment provisions — school district personnel may accept charter school position and remain district employees, effect — noncertificated instructional personnel, employment, supervision.
- 160.425. Missouri charter public school commission created, members, duties — funding.

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

SECTION A. ENACTING CLAUSE. — Sections 29.205, 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 29.205, 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.420, and 160.425, to read as follows:

29.205. POWER TO AUDIT SCHOOL DISTRICTS. — Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any school district **or charter school** within the state in the same manner as the auditor may audit any agency of the state.

160.400. CHARTER SCHOOLS, DEFINED, ST. LOUIS CITY AND KANSAS CITY SCHOOL DISTRICTS — SPONSORS — USE OF PUBLIC SCHOOL BUILDINGS — ORGANIZATION OF CHARTER SCHOOLS — AFFILIATIONS WITH COLLEGE OR UNIVERSITY — CRIMINAL BACKGROUND CHECK REQUIRED. — 1. A charter school is an independent public school.

2. **Except as further provided in subsection 4 of this section**, charter schools may be operated only:

- (1) In a metropolitan school district [or];
- (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants [and may be sponsored by any of the following];
- (3) **In a school district that has been declared unaccredited;**
- (4) **In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-2013 accreditation year under the following conditions:**

(a) The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as defined in sections 161.520 to 161.529, or on financial hardship as defined by rule of the state board of education, shall be decided by a vote of the state board of education during the third consecutive school year after the designation of provisional accreditation; and

(b) The sponsor is limited to the local school board or a sponsor who has met the standards of accountability and performance as determined by the department based on sections 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department; or

(5) In a school district that has been accredited without provisions, sponsored only by the local school board; provided that no board with a current year enrollment of one thousand five hundred fifty students or greater shall permit more than thirty-five percent of its student enrollment to enroll in charter schools sponsored by the local board under the authority of this subdivision, except that this restriction shall not apply to any school district that subsequently becomes eligible under subdivisions (3) or (4) of this subsection or to any district accredited without provisions that sponsors charter schools prior to having a current year student enrollment of one thousand five hundred fifty students or greater.

3. Except as further provided in subsection 4 of this section, the following entities are eligible to sponsor charter schools:

(1) The school board of the district in any district which is sponsoring a charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section, the special administrative board of a metropolitan school district during any time in which powers granted to the district's board of education are vested in a special administrative board, or if the state board of education appoints a special administrative board to retain the authority granted to the board of education of an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, the special administrative board of such school district;

(2) A public four-year college or university [with its primary campus in the school district or in a county adjacent to the county in which the district is located,] with an approved teacher education program that meets regional or national standards of accreditation;

(3) A community college [located in], the service area of which encompasses some portion of the district; [or]

(4) Any private four-year college or university [located in a city not within a county] with an enrollment of at least one thousand students, with its primary campus in Missouri, and with an approved teacher preparation program;

(5) Any two-year private vocational or technical school designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended, which is a member of the North Central Association and accredited by the Higher Learning Commission, with its primary campus in Missouri; or

(6) The Missouri Charter Public School Commission created in section 160.425.

4. Changes in a school district's accreditation status that affect charter schools shall be addressed as follows, except for the districts described in subdivisions (1) and (2) of subsection 2 of this section:

(1) As a district transitions from unaccredited to provisionally accredited, the district shall continue to fall under the requirements for an unaccredited district until it achieves three consecutive full school years of provisional accreditation;

(2) As a district transitions from provisionally accredited to full accreditation, the district shall continue to fall under the requirements for a provisionally accredited district until it achieves three consecutive full school years of full accreditation;

(3) In any school district classified as unaccredited or provisionally accredited where a charter school is operating and is sponsored by an entity other than the local school

board, when the school district becomes classified as accredited without provisions, a charter school may continue to be sponsored by the entity sponsoring it prior to the classification of accredited without provisions and shall not be limited to the local school board as a sponsor. A charter school operating in a school district identified in subdivision (1) or (2) of subsection 2 of this section may be sponsored by any of the entities identified in subsection 3 of this section, irrespective of the accreditation classification of the district in which it is located. A charter school in a district described in this subsection whose charter provides for the addition of grade levels in subsequent years may continue to add levels until the planned expansion is complete to the extent of grade levels in comparable schools of the district in which the charter school is operated.

[3.] 5. The mayor of a city not within a county may request a sponsor under subdivision (2), (3), [or] (4), (5), or (6) of subsection [2] 3 of this section to consider sponsoring a "workplace charter school", which is defined for purposes of sections 160.400 to [160.420] 160.425 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.

[4.] 6. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

[5.] 7. The charter school shall be **organized as** a Missouri nonprofit corporation incorporated pursuant to chapter 355. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

[6.] 8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school shall select the method for election of officers pursuant to section 355.326 based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030], the open meetings law].

[7.] 9. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

[8.] 10. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection [2] 3 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. [The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located.] A university, college or community college may not charge or accept a fee for affiliation status.

[9.] 11. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. [Such amount shall not be withheld when the sponsor is a school district or the state board of education.] The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to [160.420] 160.425 and 167.349 with regard to each charter school it sponsors, including appropriate demonstration of the following:

(1) Expends no less than ninety percent of its charter school sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools;

(2) Maintains a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating a quality charter school;

(3) Negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences, and other material terms;

(4) Conducts contract oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law; and

(5) Designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based renewal decisions.

12. Sponsors receiving funds under subsection 11 of this section shall be required to submit annual reports to the joint committee on education demonstrating they are in compliance with subsection 17 of this section.

[10.] **13.** No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

[11.] **14.** No sponsor shall grant a charter under sections 160.400 to [160.420] **160.425** and 167.349 without ensuring that a criminal background check and [child abuse] **family care safety** registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and [child abuse] **family care** registry check are conducted for each member of the governing board of the charter school.

[12.] **15.** No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489.

[13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349.]

16. A sponsor shall develop the policies and procedures for:

(1) The review of a charter school proposal including an application that provides sufficient information for rigorous evaluation of the proposed charter and provides clear documentation that the education program and academic program are aligned with the state standards and grade level expectations, and provides clear documentation of effective governance and management structures, and a sustainable operational plan;

(2) The granting of a charter;

(3) The performance framework that the sponsor will use to evaluate the performance of charter schools;

(4) The sponsor's intervention, renewal, and revocation policies, including the conditions under which the charter sponsor may intervene in the operation of the charter school, along with actions and consequences that may ensue, and the conditions for renewal of the charter at the end of the term, consistent with subsections 8 and 9 of section 160.405;

(5) Additional criteria that the sponsor will use for ongoing oversight of the charter; and

(6) Procedures to be implemented if a charter school should close, consistent with the provisions of subdivision (15) of subsection 1 of section 160.405.

The department shall provide guidance to sponsors in developing such policies and procedures.

[14.] 17. (1) A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to [160.420] 160.425 and 167.349 for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. [The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school.] **The state board shall evaluate sponsors to determine compliance with these standards every three years. The evaluation shall include a sponsor's policies and procedures in the areas of charter application approval; required charter agreement terms and content; sponsor performance evaluation and compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing shall preclude the department from undertaking an evaluation at any time for cause.**

(2) If the department determines that a sponsor is in material noncompliance with its sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If remediation does not address the compliance issues identified by the department, the commissioner of education shall conduct a public hearing and thereafter provide notice to the charter sponsor of corrective action that will be recommended to the state board of education. Corrective action by the department may include withholding the sponsor's funding and suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school until the sponsor is reauthorized by the state board of education under section 160.403.

(3) The charter sponsor may, within thirty days of receipt of the notice of the commissioner's recommendation, provide a written statement and other documentation to show cause as to why that action should not be taken. Final determination of corrective action shall be determined by the state board of education based upon a review of the documentation submitted to the department and the charter sponsor.

(4) If the state board removes the authority to sponsor a currently operating charter school under any provision of law, the [state board] **Missouri Charter Public School Commission** shall become the [interim] sponsor of the school [for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses].

160.403. SPONSORING A CHARTER SCHOOL, ANNUAL APPLICATION AND APPROVAL, CONTENTS OF APPLICATION, APPROVAL REQUIREMENTS. — 1. The department of elementary and secondary education shall establish an annual application and approval process for all entities eligible to sponsor charters as set forth in section 160.400 which are not sponsoring a charter school as of August 28, 2012. No later than November 1, 2012, the department shall make available information and guidelines for all eligible sponsors concerning the opportunity to apply for sponsoring authority under this section.

2. The application process for sponsorship shall require each interested eligible sponsor to submit an application by February first that includes the following:

(1) Written notification of intent to serve as a charter school sponsor in accordance with sections 160.400 to 160.425 and section 167.349;

(2) Evidence of the applicant sponsor's budget and personnel capacity;

(3) An outline of the request for proposal that the applicant sponsor would, if approved as a charter sponsor, issue to solicit charter school applicants consistent with sections 160.400 to 160.425;

(4) The performance framework that the applicant sponsor would, if approved as a charter sponsor, use to guide the establishment of a charter contract and for ongoing oversight and a description of how it would evaluate the charter schools it sponsors; and

(5) The applicant sponsor's renewal, revocation, and nonrenewal processes consistent with section 160.405.

3. By April first of each year, the department shall decide whether to grant or deny a sponsoring authority to a sponsor applicant. This decision shall be made based on the applicant charter's compliance with sections 160.400 to 160.425 and properly promulgated rules of the department.

4. Within thirty days of the department's decision, the department shall execute a renewable sponsoring contract with each entity it has approved as a sponsor. The term of each authorizing contract shall be six years and renewable. No eligible sponsor which is not currently sponsoring a charter school as of August 28, 2012, shall commence charter sponsorship without approval from the state board of education and a sponsor contract with the state board of education in effect.

160.405. PROPOSED CHARTER, HOW SUBMITTED, REQUIREMENTS, SUBMISSION TO STATE BOARD, POWERS AND DUTIES — APPROVAL, REVOCATION, TERMINATION — DEFINITIONS — LEASE OF PUBLIC SCHOOL FACILITIES, WHEN — UNLAWFUL REPRISAL, DEFINED, PROHIBITED. — 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall be a **legally binding performance contract that describes the obligations and responsibilities of the school and the sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall also include:**

(1) A mission and vision statement for the charter school[.];

(2) A description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy, **financial management**, and operational decisions of the charter school, **including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;**

(3) A financial plan for the first three years of operation of the charter school including provisions for annual audits[.];

(4) A description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan[.];

(5) A description of the grades or ages of students being served[.];

(6) The school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011], and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

(1) The educational goals and objectives to be achieved by the charter school];

[2] (7) A description of the charter school's pupil performance standards and academic program performance standards, which shall meet the requirements of subdivision (6) of subsection 4 of this section. The charter school program shall be designed to enable each pupil to achieve such standards and shall contain a complete set of indicators, measures, metrics, and targets for academic program performance,

including specific goals on graduation rates and standardized test performance and academic growth;

(8) A description of the charter school's educational program and curriculum;

~~[(3)]~~ **(9)** The term of the charter, which shall be [not less than] five years[, nor greater than ten years] and shall be renewable;

~~[(4)]~~ A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards;

~~[(5)]~~ A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; and]

(10) Procedures, consistent with the Missouri Financial Accounting Manual, for monitoring the financial accountability of the charter, which shall meet the requirements of subdivision (4) of subsection 4 of this section;

(11) Preopening requirements for applications that require that charter schools meet all health, safety, and other legal requirements prior to opening;

~~[(6)]~~ **(12)** A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements **and procedures that ensure admission of students with disabilities in a nondiscriminatory manner;**

(13) A description of the charter school's grievance procedure for parents or guardians;

(14) A description of the agreement between the charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter under subsection 9 of this section;

(15) Procedures to be implemented if the charter school should close, as provided in subdivision (6) of subsection 16 of section 160.400 including:

(a) Orderly transition of student records to new schools and archival of student records;

(b) Archival of business operation and transfer or repository of personnel records;

(c) Submission of final financial reports;

(d) Resolution of any remaining financial obligations; and

(e) Disposition of the charter school's assets upon closure;

(f) A notification plan to inform parents or guardians of students, the local school district, the retirement system in which the charter school's employees participate, and the state board of education within thirty days of the decision to close;

(16) A description of the special education and related services that shall be available to meet the needs of students with disabilities; and

(17) For all new or revised charters, procedures to be used upon closure of the charter school requiring that unobligated assets of the charter school be returned to the department of elementary and secondary education for their disposition, which upon receipt of such assets shall return them to the local school district in which the school was located, the state, or any other entity to which they would belong. Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the requirements of this subsection.

2. Proposed charters shall be subject to the following requirements:

(1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and procedures for review and granting of a charter approval, and be approved by the state board of education by December first of the year prior to the proposed opening date of the charter school;

(2) A charter may be approved when the sponsor determines that the requirements of this section are met, [and] determines that the applicant is sufficiently qualified to operate a charter school, **and that the proposed charter is consistent with the sponsor's charter sponsorship goals and capacity.** The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;

[(2)] (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

[(3)] (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

[(4)] (5) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining [credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, is eligible for free or reduced-price school lunch, or has been referred by the school district for enrollment in an alternative program] **high school credits for graduation, has dropped out of school, is at risk of dropping out of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended from school three or more times, has a history of severe truancy, is a pregnant or parenting teen, has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is homeless or has been homeless sometime within the preceding six months, has been referred by an area school district for enrollment in an alternative program, or qualifies as high risk under department of elementary and secondary education guidelines.** "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of education, along with a statement of finding that the application meets the requirements of sections 160.400 to [160.420] **160.425** and section [167.439] **167.349** and a monitoring plan under which the charter sponsor [will] **shall** evaluate the academic performance of students enrolled in the charter school. The state board of education may, within sixty days, disapprove the granting of the charter. The state board of education may disapprove a charter on grounds that the application fails to meet the requirements of sections 160.400 to [160.420] **160.425** and section 167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor.

4. [Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536.

5.] A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state minimum educational standards, as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school records under section 167.020, [and] the minimum number of school days and hours required under section 160.041, **and the employee criminal history background check and the family care safety registry check under section 168.133;**

(3) Except as provided in sections 160.400 to [160.420] **160.425**, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, provided that the annual financial report may be published on the department of elementary and secondary education's internet website in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection [6] 7 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies **and comply with all federal audit requirements for charters with local education agency status.** For purposes of an audit by petition under section 29.230, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700. A charter school that incurs debt [must] **shall** include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, [collect baseline data during at least the first three years for determining how the charter school is performing] **establish baseline student performance in accordance with the performance contract during the first year of operation, collect student performance data as defined by the annual performance report throughout the duration of the charter to annually monitor student academic performance,** and to the extent applicable **based upon grade levels offered by the charter school,** participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, which shall also include a statement that background checks have been completed on the charter school's board members, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter school [will] **shall** be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance

shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this [paragraph] **subdivision** shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter. **The performance standards for alternative and special purpose charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this section shall be based on measures defined in the school's performance contract with its sponsors;**

(7) [Assure that the needs of special education children are met in compliance] **Comply** with all applicable federal and state laws and regulations **regarding students with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (20 U.S.C. Section 794) or successor legislation;**

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to [160.420] **160.425** and 167.349.

5. (1) Proposed or existing high risk or alternative charter schools may include alternative arrangements for students to obtain credit for satisfying graduation requirements in the school's charter application and charter. Alternative arrangements may include, but not be limited to, credit for off- campus instruction, embedded credit, work experience through an internship arranged through the school, and independent studies. When the state board of education approves the charter, any such alternative arrangements shall be approved at such time.

(2) The department of elementary and secondary education shall conduct a study of any charter school granted alternative arrangements for students to obtain credit under this subsection after three years of operation to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations [at least once every two years] **during the first year of operation and then every other year after the most recent review** or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency [for the sole purpose of seeking direct access to federal grants]. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

7. [(1)] **Sponsors shall annually review the charter school's compliance with statutory standards including:**

(1) Participation in the statewide system of assessments, as designated by the state board of education under section 160.518;

(2) Assurances for the completion and distribution of an annual report card as prescribed in section 160.522;

(3) The collection of baseline data during the first three years of operation to determine the longitudinal success of the charter school;

(4) A method to measure pupil progress toward the pupil academic standards adopted by the state board of education under section 160.514; and

(5) Publication of each charter school's annual performance report.

8. (1) (a) A sponsor's intervention policies shall give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies and mandate intervention based upon findings of the state board of education of the following:

a. The charter school provides a high school program which fails to maintain a graduation rate of at least seventy percent in three of the last four school years unless the school has dropout recovery as its mission;

b. The charter school's annual performance report results are below the district's annual performance report results based on the performance standards that are applicable to the grade level configuration of both the charter school and the district in which the charter school is located in three of the last four school years; and

c. The charter school is identified as a persistently lowest achieving school by the department of elementary and secondary education.

(b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

a. Clear evidence of underperformance as demonstrated in the charter schools annual performance report in three of the last four school years; or

b. A violation of the law or the public trust that imperils students or public funds.

(c) A sponsor shall revoke a charter or take other appropriate remedial action, which may include placing the charter school on probationary status **for no more than twelve months, provided that no more than one designation of probationary status shall be allowed for the duration of the charter contract**, at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet [academic performance standards] **the performance contract** as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to [160.420] **160.425** and 167.349 within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to [judicial review pursuant to chapter 536] **an appeal to the state board of education, which shall determine whether the charter shall be revoked.**

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

[8.] **9. (1)** A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to [160.420] **160.425** and 167.349. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to [160.420] **160.425** and 167.349 in a timely manner to its sponsor.

(2) The sponsor's renewal process of the charter school shall be based on the thorough analysis of a comprehensive body of objective evidence and consider if:

(a) The charter school has maintained results on its annual performance report that meet or exceed the district in which the charter school is located based on the performance standards that are applicable to the grade level configuration of both the charter school and the district in which the charter school is located in three of the last four school years;

(b) The charter school is organizationally and fiscally viable determining at a minimum that the school does not have:

a. A negative balance in its operating funds;

b. A combined balance of less than three percent of the amount expended for such funds during the previous fiscal year; or

c. Expenditures that exceed receipts for the most recently completed fiscal year;

(c) The charter is in compliance with its legally binding performance contract and sections 160.400 to 160.425 and section 167.349.

(3) (a) Beginning August first during the year in which a charter is considered for renewal, a charter school sponsor shall demonstrate to the state board of education that the charter school is in compliance with federal and state law as provided in sections 160.400 to 160.425 and section 167.349 and the school's performance contract including but not limited to those requirements specific to academic performance.

(b) Along with data reflecting the academic performance standards indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the state board of education for review.

(c) Using the data requested and the revised charter application under paragraphs (a) and (b) of this subdivision, the state board of education shall determine if compliance with all standards enumerated in this subdivision has been achieved. The state board of education at its next regularly scheduled meeting shall vote on the revised charter application.

(d) If a charter school sponsor demonstrates the objectives identified in this subdivision, the state board of education shall renew the school's charter.

[9.] **10.** A school district may enter into a lease with a charter school for physical facilities.

[10.] **11.** A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

[11.] **12.** Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756.

[12.] **13.** Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035.

[13.] **14.** The chief financial officer of a charter school shall maintain:

- (1) A surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school; or
- (2) An insurance policy issued by an insurance company licensed to do business in Missouri on all employees in the amount of five hundred thousand dollars or more that provides coverage in the event of employee theft.

160.410. ADMISSION, PREFERENCES FOR ADMISSION PERMITTED, WHEN — STUDY OF PERFORMANCE TO BE COMMISSIONED BY DEPARTMENT, COSTS, CONTENTS, RESULTS TO BE MADE PUBLIC — MOVE OUT OF SCHOOL DISTRICT, EFFECT OF. — 1. A charter school shall enroll:

- (1) All pupils resident in the district in which it operates;
- (2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program; [and]
- (3) **In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and**
- (4) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

- (1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; [and]
- (2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; **and**

(3) Charter alternative and special purpose schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, [gender,] income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. **Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school that are present for the January membership count as defined in section 163.011 shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners.**

4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with an equivalent group of district students representing an equivalent demographic and geographic population and a study of the impact of charter schools upon the constituents they serve in the districts in which they are located, to be conducted by the joint committee on education. The charter school study shall include analysis of the administrative and instructional practices of each charter school and shall include findings on innovative programs that illustrate best practices and lend themselves to replication or incorporation in other schools. The joint committee on education shall coordinate with individuals representing charter [public] schools and the districts in which charter schools are located in conducting the study. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and an equivalent group of district students representing an equivalent demographic and geographic population. The student performance assessment and comparison shall include, but may not be limited to:

- (1) Missouri assessment program test performance and aggregate growth over several years;
- (2) Student reenrollment rates;
- (3) Educator, parent, and student satisfaction data;
- (4) Graduation rates in secondary programs; and
- (5) Performance of students enrolled in the same public school for three or more consecutive years.

The impact study shall be undertaken every two years to determine the impact of charter schools on the constituents they serve in the districts where charter schools are operated. The impact study shall include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

5. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

- (1) The school's charter;
 - (2) The school's most recent annual report card published according to section 160.522;
- [and]

- (3) The results of background checks on the charter school's board members; and
- (4) **If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services.** The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

6. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

7. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current

academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

8. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools.

160.415. DISTRIBUTION OF STATE SCHOOL AID FOR CHARTER SCHOOLS — POWERS AND DUTIES OF GOVERNING BODY OF CHARTER SCHOOLS. — 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local education agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services, management services, the request for proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the educational service provider intends to bill to the charter school shall receive prior approval of the governing board or its designee.

8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

[8.] 9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

[9.] 10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or

state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school [district] shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

[10.] **11.** A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

[11.] **12.** A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. **The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.**

[12.] **13.** Charter schools shall not have the power to acquire property by eminent domain.

[13.] **14.** The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

160.417. FINANCIAL STRESS, REVIEW OF REPORT INFORMATION BY CHARTER SCHOOL SPONSOR, WHEN — CRITERIA FOR FINANCIAL STRESS. — 1. By October 1, 2012, and by each October first thereafter, the sponsor of each charter school shall review the information submitted on the report required by section 162.821 to identify charter schools experiencing financial stress. The department of elementary and secondary education shall be authorized to obtain such additional information from a charter school as may be necessary to determine the financial condition of the charter school. Annually, a listing of charter schools identified as experiencing financial stress according to the provisions of this section shall be provided to the governor, speaker of the house of representatives, and president pro tempore of the senate by the department of elementary and secondary education.

2. For the purposes of this section, a charter school shall be identified as experiencing financial stress if it:

(1) At the end of its most recently completed fiscal year:

(a) Has a negative balance in its operating funds; or

(b) Has a combined balance of less than three percent of the amount expended from such funds during the previous fiscal year; or

(2) For the most recently completed fiscal year expenditures, exceeded receipts for any of its funds because of recurring costs.

3. The sponsor shall notify by November first the governing board of the charter school identified as experiencing financial stress. Upon receiving the notification, the governing board shall develop, or cause to have developed, and shall approve a budget and education plan on forms provided by the sponsor. The budget and education plan shall be submitted to the sponsor, signed by the officers of the charter school, within forty-five calendar days of notification that the charter school has been identified as experiencing financial stress. Minimally, the budget and education plan shall:

(1) Give assurances that adequate educational services to students of the charter school shall continue uninterrupted for the remainder of the current school year and that

the charter school can provide the minimum number of school days and hours required by section 160.041;

(2) Outline a procedure to be followed by the charter school to report to charter school patrons about the financial condition of the charter school; and

(3) Detail the expenditure reduction measures, revenue increases, or other actions to be taken by the charter school to address its condition of financial stress.

4. Upon receipt and following review of any budget and education plan, the sponsor may make suggestions to improve the plan. Nothing in sections 160.400 to 160.425 or section 167.349 shall exempt a charter school from submitting a budget and education plan to the sponsor according to the provisions of this section following each such notification that a charter school has been identified as experiencing financial stress, except that the sponsor may permit a charter school's governing board to make amendments to or update a budget and education plan previously submitted to the sponsor.

5. The department may withhold any payment of financial aid otherwise due to the charter school until such time as the sponsor and the charter school have fully complied with this section.

160.420. EMPLOYMENT PROVISIONS — SCHOOL DISTRICT PERSONNEL MAY ACCEPT CHARTER SCHOOL POSITION AND REMAIN DISTRICT EMPLOYEES, EFFECT — NONCERTIFICATED INSTRUCTIONAL PERSONNEL, EMPLOYMENT, SUPERVISION. — 1. Any school district in which charter schools may be established under sections 160.400 to [160.420] **160.425** shall establish a uniform policy which provides that if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. The district's policy shall provide that any teacher who accepts a position at a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and retains such teacher's seniority rights in the district for three years. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All noncertificated instructional personnel shall be supervised by certificated instructional personnel. A charter school that has a foreign language immersion experience as its chief educational mission, as stated in its charter, shall not be subject to the twenty-percent requirement of this subsection but shall ensure that any teachers whose duties include instruction given in a foreign language have current valid credentials in the country in which such teacher received his or her training and shall remain subject to the remaining requirements of this subsection. The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and [child abuse] **family care safety** registry check are conducted for each employee of the charter school prior to the hiring of the employee **under the requirements of section 168.133**. The charter school may not employ instructional personnel whose certificate of license to teach has been revoked or is currently suspended by the state board of education. Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

- (1) Teaching certificates issued by another state or states;
- (2) Certification by the National [Standards] Board **for Professional Teaching Standards**;
- (3) College degrees in the appropriate field;
- (4) Evidence of technical training and competence when such is appropriate; and
- (5) The level of supervision and coordination with certificated instructional staff.

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions,

requirements and other provisions applicable to personnel employed by the school district. For purposes of participating in the retirement system, the charter school shall be considered to be a public school within the school district, and personnel employed by the charter school shall be public school employees. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, personnel employed by the charter school shall continue to participate in the retirement system and shall do so on the same terms, conditions, requirements and other provisions as they participated prior to the lapse.

4. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.]

160.425. MISSOURI CHARTER PUBLIC SCHOOL COMMISSION CREATED, MEMBERS, DUTIES — FUNDING. — 1. The "Missouri Charter Public School Commission" is hereby created with the authority to sponsor high quality charter schools throughout the state of Missouri.

2. The commission shall consist of nine members appointed by the governor, by and with the advice and consent of the senate. No more than five of the members shall be of the same political party. No more than two members shall be from the same congressional district. The term of office of each member shall be four years, except those of the members first appointed, of which three shall be appointed for a term of one year, two for a term of two years, two for a term of three years, and two for a term of four years. At

the expiration of the term of each member, the governor, by and with the advice and consent of the senate, shall appoint a successor.

3. The appointees to the commission shall be selected as follows:

(1) One member selected by the governor from a slate of three recommended by the commissioner of education;

(2) One member selected by the governor from a slate of three recommended by the commissioner of higher education;

(3) One member selected by the governor from a slate of three recommended by the president pro tempore of the senate;

(4) One member selected by the governor from a slate of three recommended by the speaker of the house of representatives; and

(5) Five additional members appointed by the governor, one of whom shall be selected from a slate of three nominees recommended by the Missouri School Boards Association.

4. Members appointed to the commission shall collectively possess strong experience and expertise in governance, management and finance, school leadership, assessment, curriculum and instruction, and education law. All members of the commission shall have demonstrated understanding of and commitment to charter schooling as a strategy for strengthening public education.

5. The commission shall annually elect a chairperson and vice chairperson, who shall act as chairperson in his or her absence. The commission shall meet at the call of the chairperson. The chairperson may call meetings at such times as he or she deems advisable and shall call a meeting when requested to do so by three or more members of the commission. Members of the commission are not eligible to receive compensation.

6. The commission may approve proposed charters for its sponsorship under sections 160.400 to 160.425 and shall:

(1) Comply with all of the requirements applicable to sponsors under sections 160.400 to 160.425;

(2) Exercise sponsorship over charters approved by the commission under sections 160.400 to 160.425, including receipt of sponsorship funding under subsection 11 of section 160.400.

7. Charter schools sponsored by the commission shall comply with all of the requirements applicable to charter schools under sections 160.400 to 160.425.

8. The commission shall conduct its business in accordance with chapter 610.

9. The department of elementary and secondary education shall provide start-up funding for the commission to operate. The commission shall reimburse the department's costs from any funds it receives as sponsor under section 160.400.

10. The commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of sections 160.400 to 160.425, subject to the terms and conditions under which they are given, provided that all such terms and conditions are permissible under law.

Approved June 27, 2012

SB 595 [HCS SS SCS SB 595]

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

Transfers the administration of special education due process hearings from the State Board of Education to the Administrative Hearing Commission

AN ACT to repeal sections 162.961 and 162.962, RSMo, and to enact in lieu thereof four new sections relating to due process hearing panel members, with an emergency clause for certain sections.

SECTION

- A. Enacting clause.
- 162.961. Due process hearing before administrative hearing commission — written decision — expedited hearing — forty-five day placement — hearing requirements — preliminary meeting.
- 162.962. Decision subject to review, when, procedure.
- 621.253. Special education training for commissioners, requirements.
- 621.255. Educational due process fund created, use of moneys.
- B. Emergency clause..

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

SECTION A. ENACTING CLAUSE. — Sections 162.961 and 162.962, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 162.961, 162.962, 621.253, and 621.255, to read as follows:

162.961. DUE PROCESS HEARING BEFORE ADMINISTRATIVE HEARING COMMISSION — WRITTEN DECISION — EXPEDITED HEARING — FORTY-FIVE DAY PLACEMENT — HEARING REQUIREMENTS — PRELIMINARY MEETING. — 1. A parent, guardian or the responsible educational agency may request a due process hearing [by the state board of education] **before the Administrative Hearing Commission** with respect to any matter relating to identification, evaluation, educational placement, or the provision of a free appropriate public education of the child. Such request shall include the child's name, address, school, issue, and suggested resolution of dispute if known. Except as provided in subsection 4 of this section, the [board or its delegated representative] **the Administrative Hearing Commission** shall within fifteen days after receiving notice [empower] **assign** a [hearing panel of three persons] **commissioner** who [are not directly connected with the original decision and who are] **is not** [employees] **an employee of the state board of education** [to which the appeal has been made] **or department of elementary and secondary education to hear the case.** [All of the panel members] **Commissioners** shall have some knowledge or training involving children with disabilities, [none] shall **not** have a personal or professional interest which would conflict with his or her objectivity in the hearing, and [all] shall meet the [department of elementary and secondary education's] training and assessment requirements pursuant to state regulations, [and] federal law and regulation requirements of the Individuals With Disabilities Education Act]. One person shall be chosen by the local school district board or its delegated representative or the responsible educational agency, and one person shall be chosen at the recommendation of the parent or guardian. If either party has not chosen a panel member ten days after the receipt by the department of elementary and secondary education of the request for a due process hearing, such panel member shall be chosen instead by the department of elementary and secondary education. Each of these two panel members shall be compensated pursuant to a rate set by the department of elementary and secondary education. The third person shall be appointed by the state board of education and shall serve as the chairperson of the panel. The chairperson shall be an attorney licensed to practice law in this state], **and the requirements in section 621.253. No commissioner who conducts a due process hearing shall have been employed within the last five years by a school district or by an organization engaged in special education parent and student advocacy, performed work for a school district or for a parent or student as a special education advocate within the last five years as an independent contractor or consultant, been employed within the last five years by the state board of education or department of elementary and secondary education, or performed work for the state board of education or department of elementary and secondary education within the last five years as an independent contractor or consultant, or been party to a special**

education proceeding as an attorney, parent, or child. During the pendency of any [three-member panel] hearing, or prior to the [empowerment] **assignment** of the [panel] **commissioner**, the parties may, by mutual agreement, submit their dispute to a mediator pursuant to section 162.959.

2. The parent or guardian, school official, and other persons affected by the action in question shall present [to] at the hearing [panel] all pertinent evidence relative to the matter under appeal. All rights and privileges as described in section 162.963 shall be permitted.

3. After review of all evidence presented and a proper deliberation, the [hearing panel] **commissioner**, within the time lines required by the Individuals With Disabilities Education Act, 20 U.S.C. Section 1415 and any amendments thereto, shall [by majority vote] determine its findings, conclusions, and decision in the matter in question and forward the written decision to the parents or guardian of the child and to the president of the appropriate local board of education or responsible educational agency and to the department of elementary and secondary education. A specific extension of the time line may be made by the [chairman] **commissioner assigned to the matter** at the request of either party, except in the case of an expedited hearing as provided in subsection 4 of this section.

4. An expedited due process hearing by the [state board of education] **Administrative Hearing Commission** may be requested by a parent to challenge a disciplinary change of placement or to challenge a manifestation determination in connection with a disciplinary change of placement or by a responsible educational agency to seek a forty-five school day alternative educational placement for a dangerous or violent student. The [board or its delegated representative] **Administrative Hearing Commission** shall [appoint] **assign** a [hearing officer] **commissioner** to hear the case and render a decision within the time line required by federal law and state regulations implementing federal law. [The hearing officer shall be an attorney licensed to practice law in this state. The hearing officer shall have some knowledge or training involving children with disabilities, shall not have a personal or professional interest which would conflict with his or her objectivity in the hearing, and shall meet the department of elementary and secondary education's training and assessment requirements pursuant to state regulations and federal law and regulation requirements of the Individuals With Disabilities Education Act.] A specific extension of the time line is only permissible to the extent consistent with federal law and pursuant to state regulations.

5. If the responsible public agency requests a due process hearing to seek a forty-five school day alternative educational placement for a dangerous or violent student, the agency shall show by substantial evidence that there is a substantial likelihood the student will injure himself or others and that the agency made reasonable efforts to minimize that risk, and shall show that the forty-five school day alternative educational placement will provide a free appropriate public education which includes services and modifications to address the behavior so that it does not reoccur, and continue to allow progress in the general education curriculum.

6. Any due process hearing request and responses to the request shall conform to the requirements of the Individuals With Disabilities Education Act (IDEA). Determination of the sufficiency shall be made by the [chairperson of the three-member hearing panel, or in the case of an expedited due process hearing, by the hearing officer] **commissioner**. The [chairperson or hearing officer] **commissioner** shall [implement] **enforce** the process and procedures, including time lines, required by the IDEA, related to sufficiency of notice, response to notice, determination of sufficiency dispute, and amendments of the notice.

7. A preliminary meeting, known as a resolution session, shall be convened by the responsible public agency, under the requirements of the IDEA. The process and procedures required by the IDEA in connection to the resolution session and any resulting written settlement agreement shall be implemented. The responsible public agency or its designee shall sign the agreement. The designee identified by the responsible public agency shall have the authority to bind the agency. A local board of education, as a responsible public agency, shall identify a designee with authority to bind the school district.

8. Notwithstanding any provision of law to the contrary, when conducting a due process hearing, the Administrative Hearing Commission shall conform all of its practices, procedures, filing deadlines, and response times to the requirements of the Individuals With Disabilities Education Act (IDEA).

162.962. DECISION SUBJECT TO REVIEW, WHEN, PROCEDURE. — In a case where review of the **Administrative Hearing [panel's] Commission's** decision is sought by a school district or a parent or guardian, either party may appeal as follows:

- (1) The court shall hear the case without a jury and shall:
 - (a) Receive the records of the administrative proceedings;
 - (b) Hear additional evidence at the request of a party; and
 - (c) Grant the relief that the court determines to be appropriate, basing its decision on the preponderance of the evidence;
- (2) Appeals may be taken from the judgment of the court as in other civil cases;
- (3) Judicial review of the **Administrative Hearing [panel's] Commission's** decision may be instituted by filing a petition in a state or federal court of competent jurisdiction. Appeals to state court shall be filed within forty-five days after the receipt of the notice of the agency's final decision;
- (4) Except when provided otherwise within this chapter or Part 300 of Title 34 of the Code of Federal Regulations, the provisions of chapter 536 are applicable to special education due process hearings and appeal of same;
- (5) **When a commissioner renders a final decision, such decision shall not be amended or modified by the commissioner or Administrative Hearing Commission.**

621.253. SPECIAL EDUCATION TRAINING FOR COMMISSIONERS, REQUIREMENTS. — **1. At least three of the commissioners shall receive at least ten hours of initial training in special education matters and shall be the only commissioners who are assigned to special education due process hearings. The initial training shall be selected by the Administrative Hearing Commission in consultation with the department of elementary and secondary education and the IDEA-funded parent training and information center located in this state. The training shall ensure that the commissioners receive knowledge of educational and legal matters sufficient for them to possess knowledge of the matters brought before them. If allowed by the policies of the training provider, materials from the training, including any available audio or video, shall be posted to the Administrative Hearing Commission's website within ten business days from the date of the training.**

2. Each commissioner assigned to special education due process hearings shall annually complete a minimum of five hours of training selected by the Administrative Hearing Commission in consultation with the department of elementary and secondary education and the IDEA-funded parent training and information center located in this state. The training shall ensure that the commissioners receive updated knowledge of educational and legal matters sufficient for them to possess knowledge of the matters brought before them. If allowed by the rules and regulations of the training provider, materials from the training, including any available audio or video, shall be posted to the Administrative Hearing Commission's website within ten business days from the date of the training.

3. If any special education training is provided directly by the department of elementary and secondary education, the IDEA-funded parent training and information center located in this state, or a provider working directly on behalf of either group, the group shall provide materials from the training, including any available audio or video, on its website within ten business days from the date of the training.

621.255. EDUCATIONAL DUE PROCESS FUND CREATED, USE OF MONEYS. — **1. There is hereby established in the state treasury the "Administrative Hearing Commission**

Educational Due Process Hearing Fund". The fund shall be administered by the Administrative Hearing Commission. The state treasurer shall be custodian of the fund. The fund shall consist of all moneys that may be appropriated to it by the general assembly and may also include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. 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 for the payment of expenditures actually incurred by the Administrative Hearing Commission and attributable to due process hearings and state and federal legislation and regulations.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. 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.

SECTION B. EMERGENCY CLAUSE. — Because of the importance of providing special education training to the administrative hearing commissioners in a timely manner, the enactment of sections 621.253 and 621.255 of this act are 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 621.253 and 621.255 of this act shall be in full force and effect upon its passage and approval.

Approved July 5, 2012

SB 599 [CCS SB 599]

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

Requires school districts to include in their school accountability report cards whether they have a gifted education program and the percentage and number of students enrolled

AN ACT to repeal sections 160.261, 160.522, and 178.530, RSMo, and to enact in lieu thereof six new sections relating to education, with an existing penalty provision and an emergency clause for a certain section.

SECTION

- A. Enacting clause.
- 160.261. Discipline, written policy established by local boards of education — contents — reporting requirements — additional restrictions for certain suspensions — weapons offense, mandatory suspension or expulsion — no civil liability for authorized personnel — spanking not child abuse, when — investigation procedure — officials falsifying reports, penalty.
- 160.522. School accountability report card for each school district, purpose — standard form, contents — distribution of report card information.
- 163.024. Environmental violations, moneys received from payment of civil penalty excluded from local effort (Iron, Jefferson, Reynolds, and Washington counties).
- 170.310. Cardiopulmonary resuscitation training authorized, grades nine through twelve, requirements — rulemaking authority.
- 178.530. State board to establish standards, inspect and approve schools — local boards to report — allocation of money — standards for agricultural education.
1. Career and student organizations' activities, department to provide staffing support — Career and student organizations' activities, department to provide staffing support — handling of organization funds.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 160.261, 160.522, and 178.530, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.261, 160.522, 163.024, 170.310, 178.530, and 1, to read as follows:

160.261. DISCIPLINE, WRITTEN POLICY ESTABLISHED BY LOCAL BOARDS OF EDUCATION — CONTENTS — REPORTING REQUIREMENTS — ADDITIONAL RESTRICTIONS FOR CERTAIN SUSPENSIONS — WEAPONS OFFENSE, MANDATORY SUSPENSION OR EXPULSION — NO CIVIL LIABILITY FOR AUTHORIZED PERSONNEL — SPANKING NOT CHILD ABUSE, WHEN — INVESTIGATION PROCEDURE — OFFICIALS FALSIFYING REPORTS, PENALTY. — 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030;
- (6) Forcible sodomy under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) Sexual assault under section 566.040;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;

(19) The possession of a weapon under chapter 571;
(20) Child molestation in the first degree pursuant to section 566.067;
(21) Deviate sexual assault pursuant to section 566.070;
(22) Sexual misconduct involving a child pursuant to section 566.083;
(23) Sexual abuse pursuant to section 566.100;
(24) Harassment under section 565.090; or
(25) Stalking under section 565.225; committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school

district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the [juvenile officer of] **law enforcement in** the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the [juvenile officer or a] law enforcement officer [designated by the juvenile officer] and the superintendent of schools or, if the subject of the report is the superintendent of schools, by [the juvenile officer or] a law enforcement officer [designated by the juvenile officer] and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The [juvenile officer or a] law enforcement officer [designated by the juvenile officer] and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The [juvenile officer or a] law enforcement officer [designated by the juvenile officer] and the investigating school board

personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The [juvenile officer or a] law enforcement officer [designated by the juvenile officer] and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The [juvenile officer or a] law enforcement officer [designated by the juvenile officer] and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or [juvenile] **law enforcement** officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

160.522. SCHOOL ACCOUNTABILITY REPORT CARD FOR EACH SCHOOL DISTRICT, PURPOSE — STANDARD FORM, CONTENTS — DISTRIBUTION OF REPORT CARD INFORMATION. — 1. The department of elementary and secondary education shall produce or cause to be produced, at least annually, a school accountability report card for each public school district, each public school building in a school district, and each charter school in the state. The report card shall be designed to satisfy state and federal requirements for the disclosure of statistics about students, staff, finances, academic achievement, and other indicators. The purpose of the report card shall be to provide educational statistics and accountability information for parents, taxpayers, school personnel, legislators, and the print and broadcast news media in a standardized, easily accessible form.

2. The department of elementary and secondary education shall develop a standard form for the school accountability report card. The information reported shall include, but not be limited to, the district's most recent accreditation rating, enrollment, rates of pupil attendance, high school dropout rate and graduation rate, the number and rate of suspensions of ten days or longer and expulsions of pupils, the district ratio of students to administrators and students to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as measured through the assessment system developed pursuant to section 160.518, student scores on the ACT, along with the percentage of graduates taking the test, average teachers' and administrators' salaries compared to the state averages, average per

pupil current expenditures for the district as a whole and by attendance center as reported to the department of elementary and secondary education, the adjusted tax rate of the district, assessed valuation of the district, percent of the district operating budget received from state, federal, and local sources, the percent of students eligible for free or reduced-price lunch, data on the percent of students continuing their education in postsecondary programs, [and] information about the job placement rate for students who complete district vocational education programs, **whether the school district currently has a state-approved gifted education program, and the percentage and number of students who are currently being served in the district's state-approved gifted education program.**

3. The report card shall permit the disclosure of data on a school-by-school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.

4. The report card shall identify each school or attendance center that has been identified as a priority school under sections 160.720 and 161.092. The report also shall identify attendance centers that have been categorized under federal law as needing improvement or requiring specific school improvement strategies.

5. The report card shall not limit or discourage other methods of public reporting and accountability by local school districts. Districts shall provide information included in the report card to parents, community members, the print and broadcast news media, and legislators by December first annually or as soon thereafter as the information is available to the district, giving preference to methods that incorporate the reporting into substantive official communications such as student report cards. The school district shall provide a printed copy of the district-level or school-level report card to any patron upon request and shall make reasonable efforts to supply businesses such as, but not limited to, real estate and employment firms with copies or other information about the reports so that parents and businesses from outside the district who may be contemplating relocation have access.

163.024. ENVIRONMENTAL VIOLATIONS, MONEYS RECEIVED FROM PAYMENT OF CIVIL PENALTY EXCLUDED FROM LOCAL EFFORT (IRON, JEFFERSON, REYNOLDS, AND WASHINGTON COUNTIES). — All moneys received in the Iron County School Fund, Reynolds County School Fund, Jefferson County School Fund, and Washington County School Fund from the payment of a civil penalty pursuant to a consent decree filed in the United States district court for the eastern district of Missouri in December 2011 in the case of United States of America and State of Missouri v. the Doe Run Resources Corporation d/b/a "The Doe Run Company," and the Buick Resource Recycling Facility, LLC, because of environmental violations shall not be included in any district's "local effort" figure, as such term is defined in section 163.011. The provisions of this section shall terminate on July 1, 2016.

170.310. CARDIOPULMONARY RESUSCITATION TRAINING AUTHORIZED, GRADES NINE THROUGH TWELVE, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. Any public school or charter school serving grades nine through twelve may provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Instruction may be embedded in any health education course. Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

2. The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not

designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing.

3. The department of elementary and secondary education may promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

178.530. STATE BOARD TO ESTABLISH STANDARDS, INSPECT AND APPROVE SCHOOLS — LOCAL BOARDS TO REPORT — ALLOCATION OF MONEY — STANDARDS FOR AGRICULTURAL EDUCATION. — 1. The state board of education shall establish standards and annually inspect, as a basis for approval, all public prevocational, vocational schools, Linn State Technical College, departments and classes receiving state or federal moneys for giving training in agriculture, industrial, home economics and commercial subjects and all schools, departments and classes receiving state or federal moneys for the preparation of teachers and supervisors of such subjects. The public prevocational and vocational schools, Linn State Technical College, departments, and classes, and the training schools, departments and classes are entitled to the state or federal moneys so long as they are approved by the state board of education, as to site, plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods of instruction. All disbursements of state or federal moneys for the benefit of the approved prevocational and vocational schools, Linn State Technical College, departments and classes shall be made semiannually. The school board of each approved school or the governing body of Linn State Technical College shall file a report with the state board of education at the times and in the form that the state board requires. Upon receipt of a satisfactory report, the state board of education shall certify to the commissioner of administration for his approval the amount of the state and federal moneys due the school district or Linn State Technical College. The amount due the school district shall be certified by the commissioner of administration and proper warrant therefor shall be issued to the district treasurer or Linn State Technical College.

2. Notwithstanding the provisions of subsection 1 of this section, the state board of education shall establish standards for agricultural education that may be adopted by a private school accredited by an agency recognized by the United States Department of Education as an accreditor of private schools that wishes to provide quality vocational programming outside the requirements of, but consistent with, the federal vocational education act. Such standards shall be sufficient to qualify a private school to apply to the state chapter for approval of a local chapter of a federally chartered national agricultural education association on a form developed for that purpose by the department of elementary and secondary education without eligibility to receive state or federal funding for agricultural vocational education. Any such private school shall reimburse the department annually for the cost of oversight and maintenance of the program.

SECTION 1. CAREER AND STUDENT ORGANIZATIONS' ACTIVITIES, DEPARTMENT TO PROVIDE STAFFING SUPPORT — HANDLING OF ORGANIZATION FUNDS. — 1. The department of elementary and secondary education shall provide staffing support including but not limited to statewide coordination for career and technical student organizations' activities

that are an integral part of the instructional educational curriculum for career and technical education programs approved by the department. Such career and technical organizations shall include, but not be limited to, the nationally recognized organizations of DECA, FBLA, FFA, FCCLA, HOSA, SkillsUSA, and TSA.

2. The department of elementary and secondary education shall continue to handle the funds from the organizations in the same manner as it did during school year 2011-2012, with department personnel maintaining responsibility for the receipt and disbursement of funds. The department may ensure accountability and transparency by requiring the career and technical student organizations to provide sworn affidavits annually by personnel in the organization who are responsible for such funds as to the proper receipt and disbursement of such funds.

SECTION B. EMERGENCY CLAUSE. — Because of the need to provide immediate guidance on the financial operations of career and technical student organizations and their state level direction, the enactment of section 1 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 1 of this act shall be in full force and effect upon its passage and approval.

Approved July 10, 2012

SB 611 [CCS SB 611]

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

Modifies various provisions relating to the regulation of transportation

AN ACT to repeal sections 301.140 and 304.022, RSMo, and to enact in lieu thereof three new sections relating to transportation, with existing penalty provisions, and a contingent effective date for a certain section.

SECTION

- A. Enacting clause.
- 301.140. Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — expiration date, certain subsections — additional temporary license plate may be purchased, when.
- 304.022. Emergency vehicle defined — use of lights and sirens — right-of-way — stationary vehicles, procedure — penalty.
- 304.289. Timing of signals, minimum interval times to be established.
- B. Contingent effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 301.140 and 304.022, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 301.140, 304.022, and 304.289, to read as follows:

301.140. PLATES REMOVED ON TRANSFER OR SALE OF VEHICLES — USE BY PURCHASER — REREGISTRATION — USE OF DEALER PLATES — TEMPORARY PERMITS, FEES — CREDIT, WHEN — EXPIRATION DATE, CERTAIN SUBSECTIONS — ADDITIONAL TEMPORARY LICENSE PLATE MAY BE PURCHASED, WHEN. — 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the

number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. [Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5.] **The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days from the date of purchase.** The temporary permit [shall be made available by the director of revenue and] **authorized under this section** may be purchased **by the purchaser of a motor vehicle or trailer** from the **central office of the** department of revenue **or from an authorized agent of the department of revenue** upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a **motor vehicle** dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, **or from a motor vehicle dealer upon purchase**

of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director [shall] of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state [or], authorized agents of the department of revenue [in sets of ten permits] or the department of revenue. The [fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate issued] price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer [or], authorized agent or the department of revenue shall charge more than [seven dollars and fifty cents] five dollars for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.

[6.] 5. The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's [use in the] temporary operation of the motor vehicle or trailer purchased to enable the applicant to [legally] temporarily operate the motor vehicle while proper title and registration [plate] plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director of the department of revenue shall determine the size [and], material, design, numbering configuration, construction, and color of the permit. The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.

[7. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit.]

6. Every motor vehicle dealer that issues [a] temporary [permit] permits shall keep, for inspection [of] by proper officers, [a correct] an accurate record of each permit issued by recording the permit [or plate] number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and manufacturer's vehicle identification number [on which the permit is to be used], and the permit's date of issuance and expiration date. Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the

director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.

[8.] 7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of **motor** vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

9. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

304.022. EMERGENCY VEHICLE DEFINED — USE OF LIGHTS AND SIRENS — RIGHT-OF-WAY — STATIONARY VEHICLES, PROCEDURE — PENALTY. — 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, **or a stationary vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation 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;

(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.

304.289. TIMING OF SIGNALS, MINIMUM INTERVAL TIMES TO BE ESTABLISHED. — The timing of any traffic-control signal shall conform to regulations promulgated by the Department of Transportation. The department of transportation shall establish minimal yellow light change interval times for traffic-control devices. The minimal yellow light change interval time shall be established in accordance with nationally recognized engineering standards set forth in the Manual on Uniform Traffic Control Devices, and any such established time shall not be less than the recognized national standard.

SECTION B. CONTINGENT EFFECTIVE DATE. — The repeal and reenactment of section 301.140 of this act shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director of the department of revenue begins

producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

Approved July 9, 2012

SB 625 [HCS SCS SB 625]

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

Modifies the amount of retirement benefits transferred when employees transfer between certain retirement systems

AN ACT to repeal sections 50.1130, 50.1140, 104.603, and 104.1091, RSMo, and to enact in lieu thereof four new sections relating to retirement.

SECTION

- A. Enacting clause.
- 50.1130. Death benefit.
- 50.1140. Termination of employment, forfeit of rights, refund — deferred annuity permanent, when — payment of accumulated contributions — restoration of creditable service.
- 104.603. Reciprocal transfer of creditable service, when.
- 104.1091. New employees, normal retirement eligibility — vesting requirements — temporary annuity, when — early retirement annuity, when — minimum credited service requirements — contribution amount — options.

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

SECTION A. ENACTING CLAUSE. — Sections 50.1130, 50.1140, 104.603, and 104.1091, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 50.1130, 50.1140, 104.603, and 104.1091, to read as follows:

50.1130. DEATH BENEFIT. — 1. **Notwithstanding the provisions of section 50.1150 to the contrary, a death benefit of ten thousand dollars and, in the case of an active member who dies after December 31, 2002, and before becoming vested, an amount equal to the amount of the member's accumulated contributions standing to his or her credit in the fund** shall be paid to the designated beneficiary of every active member upon his or her death or, if the member fails to designate a beneficiary, then to the member's surviving spouse or, if there is no spouse, then in equal shares to the member's surviving children. If there is neither a surviving spouse or surviving children, then the benefit shall be paid to the active member's estate.

2. If the member executes a beneficiary designation form and lists more than one beneficiary but fails to list the percentage of benefit that each beneficiary should receive, then the benefit shall be divided equally among the named beneficiaries.

50.1140. TERMINATION OF EMPLOYMENT, FORFEIT OF RIGHTS, REFUND — DEFERRED ANNUITY PERMANENT, WHEN — PAYMENT OF ACCUMULATED CONTRIBUTIONS — RESTORATION OF CREDITABLE SERVICE. — 1. Upon termination of employment, any member with less than eight years of creditable service shall forfeit all rights in the fund, including the member's accrued creditable service as of the date of the member's termination of employment, but may receive any refund of contributions to which the member is entitled pursuant to subsection 3 of this section **or subsection 1 of section 50.1130.**

2. A member who terminates employment with at least eight years of creditable service shall be entitled to an annuity from the fund, determined in accordance with the formula described in section 50.1060. The member may elect to defer the receipt of his or her annuity, until the member's attainment of age sixty-two, or the member may elect to begin receiving his or her annuity on the first day of any month following the later of the date of termination of employment or age fifty-five. If the member begins receiving an annuity before age sixty-two and termination of employment occurs on or after age fifty-five, the annuity shall be reduced by four-tenths of one percent for each month the commencement date of the annuity precedes age sixty-two, and an additional three-tenths of one percent for each month the commencement date of the annuity precedes age sixty.

3. In the event a member ceases to be a member other than by death before the date the member becomes vested in the system, the member shall be paid, upon his or her written application filed with the board, the member's accumulated contributions standing to his or her credit in the members' deposit fund.

4. A former member who has forfeited creditable service may have the creditable service restored by again becoming an employee, completing a total of eight years of uninterrupted creditable service, and purchasing the forfeited service by paying into the fund the forfeited amount previously refunded to the participant or credited to the participant's county plus interest equal to the current prime rate plus two percent.

104.603. RECIPROCAL TRANSFER OF CREDITABLE SERVICE, WHEN. — 1. Effective with transfers of service between the Missouri department of transportation and highway patrol employees' retirement system and the Missouri state employees' retirement system that occur on or after September 1, 2011, upon a reciprocal transfer of creditable or credited service pursuant to section 104.602 or subsection 8 of section 104.1021, the sending system from which the service is transferred shall pay the receiving system to which the service is transferred the present value of the accrued benefit as determined pursuant to subsection 2 of this section.

2. For purposes of this section, the present value of the accrued benefit shall be determined using the actuarial assumptions of the sending system used in that system's last regular valuation assuming active member status and using the unit credit actuarial cost method. However, in no event shall the payment amount be less than the sum of the member's accumulated contributions and interest plus any purchased service payments from the member held on deposit by the sending system. If the member had received a refund of accumulated contributions from the sending system and forfeited service credit with that system, the member would need to reestablish that service with the sending system by again becoming an active member of a system covered by this chapter and satisfying requirements otherwise stipulated for reestablishing service credit. **However, in the event the member had previously transferred service from the receiving system to the sending system which was not subject to an asset transfer under this section, then that service will be excluded from the computation of the accrued benefit. In the event any prior payments by a sending system under this section included an amount for previously transferred service that was not subject to this section, the receiving system shall return to the sending system the present value amount attributable to such service, including interest as determined and agreed to by both systems.**

3. The service transfer shall not be deemed completed until the sending system makes payment to the receiving system as prescribed in this section. Payments shall be made within ninety days of the date that a completed transfer request is submitted by a member.

4. When the transfer payment includes an amount identified as corresponding to a member's accumulated contributions, the accumulated contributions portion shall be identified, and further, the accumulated contributions balance as of the preceding July first shall be identified and the receiving system shall be responsible for crediting interest according to the terms of the receiving plan.

5. The systems shall coordinate their plan administration for reciprocal transfers to give full effect to the transfer including the transfer and acceptance of corresponding division of benefit orders.

6. The member or survivor obtaining a reciprocal transfer of service covered by this section shall satisfy all requirements under section 104.602 or subsection 8 of section 104.1021 to obtain a transfer of credited or creditable service and shall satisfy the requirements under section 104.1091 with the receiving system to reestablish forfeited service previously accrued at either system.

104.1091. NEW EMPLOYEES, NORMAL RETIREMENT ELIGIBILITY — VESTING REQUIREMENTS — TEMPORARY ANNUITY, WHEN — EARLY RETIREMENT ANNUITY, WHEN — MINIMUM CREDITED SERVICE REQUIREMENTS — CONTRIBUTION AMOUNT — OPTIONS.

— 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.

Approved July 10, 2012

SB 628 [CCS HCS SB 628]

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

Expands the number of detention facilities which qualify for the Inmate Security Fund

AN ACT to repeal sections 32.056, 57.280, 67.1305, 67.2010, 135.953, 195.222, 195.223, 211.031, 386.510, 400.9-311, 456.950, 456.8- 808, 476.055, 479.011, 479.040, 483.015, 488.5026, 491.075, 508.050, 513.430, 513.440, 513.653, 523.010, 537.345, 537.346, 537.528, 542.301, 558.019, 565.072, 565.073, 565.074, 566.083, 568.060, and 569.100, RSMo, and to enact in lieu thereof forty- one new sections relating to the judiciary, with penalty provisions.

SECTION

- A. Enacting clause.
- 21.771. Joint committee established, members, duties, meetings — expiration date.
- 32.056. Confidentiality of motor vehicle or driver registration records of county, state or federal parole officers, federal pretrial officers, or members of the state or federal judiciary.
- 57.280. Sheriff to receive charge, civil cases.
- 67.136. Municipal courts, utilization of collection agencies permitted, when.
- 67.1305. Retail sales tax may be imposed in lieu of certain local economic development sales tax — ballot language — collection and distribution of moneys — trust fund and board to be established — repeal of tax, procedure.
- 67.2010. Certain counties may have associate circuit judges decide county ordinance violations (Cass and Greene counties).
- 135.953. Enhanced enterprise zone criteria — zone may be established in certain areas — additional criteria.
- 195.222. Trafficking drugs, first degree — penalty.
- 195.223. Trafficking drugs, second degree — penalty.
- 211.031. Juvenile court to have exclusive jurisdiction, when — exceptions — home schooling, attendance violations, how treated.
- 386.510. Review by circuit court.
- 400.9-311. Perfection of security interests in property subject to certain statutes, regulations, and treaties.
- 452.374. Paternity proceedings stayed for rape charges against putative father.
- 456.950. Definition — property and interests in property, how held — death of settlor, effect of — marital property rights, effect on.
- 456.8-808. Powers to direct — appointment of trust protector, powers, limitations.
- 476.055. Statewide court automation fund created, administration, committee, members — powers, duties, limitation — unauthorized release of information, penalty — report, committee, costs — expiration date.
- 479.011. Administrative adjudication of certain code violations, certain cities — authorization, rules requirements — tribunal designated by ordinance, procedures — evidence reviewed — imprisonment and fines limited — judicial review, lien imposed, when.
- 479.040. Cities may elect where violations of municipal ordinances may be heard.
- 483.015. Election — term of office — commission exceptions, Jackson County court administrator to be clerk, St. Louis County circuit clerk, how selected — circuit clerk of sixth, seventh, and twenty-second judicial circuits, how selected.
- 488.5026. Two dollar surcharge for all criminal cases, funds to be deposited in inmate prisoner detainee security fund.
- 488.5375. Additional cost, certain felony sexual offenses with electronic devices seized.
- 491.075. Statement of child under fourteen or vulnerable person admissible, when.
- 508.050. Suits against municipal corporations, where commenced.
- 513.430. Property exempt from attachment — benefits from certain employee plans, exception — bankruptcy proceeding, fraudulent transfers, exception — construction of section.
- 513.440. Other property exempt — provisions — exceptions.
- 513.653. Law enforcement agencies using federal forfeiture system, report of federal seizure proceeds — violation, penalty.
- 523.010. Lands may be condemned, when — petition — parties — power of public utility to condemn certain lands, limitation.
- 537.345. Definitions for sections 537.345 to 537.347 and 537.351.
- 537.346. Landowner owes no duty of care to persons entering without fee to keep land safe for recreational use.
- 537.351. Trespassers, no duty of care by owners, exception — liability for physical injury or death, when.
- 537.528. Actions for damages for conduct or speech at public hearings and meetings to be considered on expedited basis — procedural issues.

- 542.301. Disposition of unclaimed seized property — forfeiture to the state, when — allegedly obscene matter, how treated — appeal authorized.
- 558.019. Prior felony convictions, minimum prison terms — prison commitment defined — dangerous felony, minimum term prison term, how calculated — sentencing commission created, members, duties — expenses — cooperation with commission — restorative justice methods — restitution fund.
- 565.072. Domestic assault, first degree — penalty.
- 565.073. Domestic assault, second degree — penalty.
- 565.074. Domestic assault, third degree — penalty.
- 566.083. Sexual misconduct involving a child, penalty — applicability of section — affirmative defense not allowed, when.
- 568.060. Abuse or neglect of a child, penalty.
- 569.100. Property damage in the first degree.
 - 1. Establishment of an airport authority by an eligible entity, jurisdiction.
 - 2. Joint committee to evaluate removal of certain offenses from the sexual offender registry.

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

SECTION A. ENACTING CLAUSE. — Sections 32.056, 57.280, 67.1305, 67.2010, 135.953, 195.222, 195.223, 211.031, 386.510, 400.9-311, 456.950, 456.8-808, 476.055, 479.011, 479.040, 483.015, 488.5026, 491.075, 508.050, 513.430, 513.440, 513.653, 523.010, 537.345, 537.346, 537.528, 542.301, 558.019, 565.072, 565.073, 565.074, 566.083, 568.060, and 569.100, RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 21.771, 32.056, 57.280, 67.136, 67.1305, 67.2010, 135.953, 195.222, 195.223, 211.031, 386.510, 400.9-311, 452.374, 456.950, 456.8-808, 476.055, 479.011, 479.040, 483.015, 488.5026, 488.5375, 491.075, 508.050, 513.430, 513.440, 513.653, 523.010, 537.345, 537.346, 537.351, 537.528, 542.301, 558.019, 565.072, 565.073, 565.074, 566.083, 568.060, 569.100, 1, and 2, 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; and
- (6)** Make any other recommendation to the general assembly necessary to provide adequate protections for the children of our state.

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.

32.056. CONFIDENTIALITY OF MOTOR VEHICLE OR DRIVER REGISTRATION RECORDS OF COUNTY, STATE OR FEDERAL PAROLE OFFICERS, FEDERAL PRETRIAL OFFICERS, OR MEMBERS OF THE STATE OR FEDERAL JUDICIARY. — Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department of revenue shall not release the home address of or any [other] information [contained in the department's motor vehicle or driver registration records regarding] **that identifies any vehicle owned or leased by any person who is a county, state or federal parole officer [or who is], a federal pretrial officer [or who is], a peace officer pursuant to section [590.100] 590.010, a person vested by article V, section 1 of the Missouri Constitution with the judicial power of the state, a member of the federal judiciary, or a member of [the parole officer's, pretrial officer's or peace officer's] such person's immediate family contained in the department's motor vehicle or driver registration records,** based on a specific request for such information from any person. Any such person [who is a county, state or federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to section 590.100] may notify the department of [such] **his or her** status and the department shall protect the confidentiality of the **home address and vehicle** records on such a person and his or her immediate family as required by this section. **If such member of the judiciary's status changes and he or she and his or her immediate family do not qualify for the exemption contained in this subsection, such person shall notify the department and the department's records shall be revised.** This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

57.280. SHERIFF TO RECEIVE CHARGE, CIVIL CASES. — 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate

prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section; however, in any county, any funds, not to exceed fifty thousand dollars in any calendar year, other than as a result of regular budget allocations or land sale proceeds, coming into the possession of the sheriff's office, such as from the sale of recovered evidence]. **The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year**, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars[, other than regular budget allocations or land sale proceeds,] **in any calendar year** shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

67.136. MUNICIPAL COURTS, UTILIZATION OF COLLECTION AGENCIES PERMITTED, WHEN. — Notwithstanding any other provisions of law to the contrary, any city or county that has established a municipal court may utilize collections agencies to collect any court or administrative fines or costs associated with a finding of guilt for a criminal offense or an infraction, or entry of a civil judgment, which are legally owed, enforceable, past due, and remain uncollected.

67.1305. RETAIL SALES TAX MAY BE IMPOSED IN LIEU OF CERTAIN LOCAL ECONOMIC DEVELOPMENT SALES TAX — BALLOT LANGUAGE — COLLECTION AND DISTRIBUTION OF MONEYS — TRUST FUND AND BOARD TO BE ESTABLISHED — REPEAL OF TAX, PROCEDURE.

— 1. As used in this section, the term "city" shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. 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 tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county 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 "Local Option Economic Development Sales Tax Trust Fund".

5. The moneys in the local option economic development 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 which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. 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 city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or 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 city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. 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.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;
- (d) Extension of streets;
- (e) Public facilities directly related to economic development and job creation; and
- (f) Providing matching dollars for state or federal grants relating to such long-term projects.

(3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:

- (a) Marketing;
- (b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;
- (c) Training programs to prepare workers for advanced technologies and high skill jobs;
- (d) Legal and accounting expenses directly associated with the economic development planning and preparation process;
- (e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. 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 may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. (1) Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(2) The economic development tax board established by a city shall consist of **at least five members, but may be increased to nine members. Either a five-member or nine-member board shall be designated in the order or ordinance imposing the sales tax authorized by this section, and the members are** to be appointed as follows:

(a) One member **of a five member board, or two members of a nine member board,** shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member **or members** shall be appointed in any manner agreed upon by the affected districts;

(b) Three members **of a five member board, or five members of a nine member board,** shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city;

(c) One member **of a five member board, or two members of a nine member board**, shall be appointed by the governing body of the county in which the city is located.

(3) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, **except that when a nine member board is designated, seven of the members initially appointed shall be designated to serve for terms of two years**, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

(4) If an economic development tax board established by a city is already in existence on August 28, 2012, any increase in the number of members of the board shall be designated in an order or ordinance. The four board members added to the board shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the board shall submit to the joint committee on economic development a report, not exceeding one page in length, which must include the following information for each project using the tax authorized under this section:

- (1) A statement of its primary economic development goals;
- (2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year;
- (3) A statement of total expenditures during the preceding calendar year in each of the following categories:
 - (a) Infrastructure improvements;
 - (b) Land and or buildings;
 - (c) Machinery and equipment;
 - (d) Job training investments;
 - (e) Direct business incentives;
 - (f) Marketing;
 - (g) Administration and legal expenses; and
 - (h) Other expenditures.

18. The governing body of any city or county 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 or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

YES

NO

If a majority of the votes cast on the proposal 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 sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county 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 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.

20. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.

67.2010. CERTAIN COUNTIES MAY HAVE ASSOCIATE CIRCUIT JUDGES DECIDE COUNTY ORDINANCE VIOLATIONS (CASS AND GREENE COUNTIES). — 1. Any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants **and any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants** may elect to have the violations of county ordinances adopted pursuant to [section 304.130] **the authority provided by statute** heard and determined by an associate circuit judge of the circuit in which the county is located; provided, however, if such election is made, all violations of that county's ordinances adopted pursuant to [section 304.130] **statutory authority** shall be heard and determined before an associate circuit judge or judges. Nothing in this subsection shall preclude the transfer or assignment of another judge to hear and determine a case or class of cases when otherwise authorized by provisions of the constitution, law, or court rule.

2. If a county elects to have the violations of its county ordinances [adopted pursuant to section 304.130] heard and determined by an associate circuit judge, the associate circuit judge or judges shall commence hearing and determining such violations six months after the county notifies the presiding judge of the circuit of its election. With the consent of the presiding judge, the associate circuit judge or judges may commence hearing such violations at an earlier date.

135.953. ENHANCED ENTERPRISE ZONE CRITERIA — ZONE MAY BE ESTABLISHED IN CERTAIN AREAS — ADDITIONAL CRITERIA. — 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and

(2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; [and]

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

(a) The state of Missouri over the previous twelve months; or

(b) The county or city not within a county over the previous twelve months; **and**

(5) No finding of blight under this chapter shall be used to meet the conditions for blight under any other statute of this state.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An

application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a "county of declining population" is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

4. In addition to meeting the requirements of subsection 1, 2, or 3 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

- (1) The potential to create sustainable jobs in a targeted industry; or
- (2) A demonstrated impact on local industry cluster development.

5. Notwithstanding the requirements of subsections 1 and 4 of this section to the contrary, a renewable energy generation zone may be designated as an enhanced enterprise zone if the renewable energy generation zone meets the criteria set forth in subdivision (25) of section 135.950.

195.222. TRAFFICKING DRUGS, FIRST DEGREE — PENALTY. — 1. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

2. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is four hundred fifty grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

3. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than **[two] eight** grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than **[two] eight** grams but less than **[six] twenty-four** grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is [six] **twenty- four** grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

4. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is one gram or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

5. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

6. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than four grams but less than twelve grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is twelve grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

7. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture or substance containing marijuana. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty kilograms but less than one hundred kilograms the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is one hundred kilograms or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

8. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two thousand feet of a school or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

9. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two thousand feet of a school or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

195.223. TRAFFICKING DRUGS, SECOND DEGREE — PENALTY. — 1. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

2. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be guilty of a class B felony;

(2) If the quantity involved is four hundred fifty grams or more the person shall be guilty of a class A felony.

3. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than [two] **eight** grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than [two] **eight** grams but less than [six] **twenty-four** grams the person shall be guilty of a class B felony;

(2) If the quantity involved is [six] **twenty- four** grams or more the person shall be guilty of a class A felony.

4. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be guilty of a class B felony;

(2) If the quantity involved is one gram or more the person shall be guilty of a class A felony.

5. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

6. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than four grams but less than twelve grams the person shall be guilty of a class B felony;

(2) If the quantity involved is twelve grams or more the person shall be guilty of a class A felony.

7. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture or substance containing marijuana. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty kilograms but less than one hundred kilograms the person shall be guilty of a class B felony;

(2) If the quantity involved is one hundred kilograms or more the person shall be guilty of a class A felony.

8. A person commits the class A felony of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred marijuana plants.

9. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more but less than four hundred fifty grams, the person shall be guilty of a class A felony;

(3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty of a class A felony and the term of imprisonment shall be served without probation or parole.

10. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control, purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more but less than four hundred fifty grams, the person shall be guilty of a class A felony;

(3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty of a class A felony and the term of imprisonment shall be served without probation or parole.

211.031. JUVENILE COURT TO HAVE EXCLUSIVE JURISDICTION, WHEN — EXCEPTIONS — HOME SCHOOLING, ATTENDANCE VIOLATIONS, HOW TREATED. — 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; or

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130;

(d) The child or person seventeen years of age is a child in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child

who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child or person seventeen years of age to the guardianship of the department of social services as provided by law; and

(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than seventeen years of age.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person seventeen years of age who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child or person seventeen years of age may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person seventeen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child or person seventeen years of age under the supervision of another juvenile court within or without the state pursuant to section 210.570 with the consent of the receiving court;

(5) Upon motion of any child or person seventeen years of age or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court Rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or person seventeen years of age, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age, the juvenile court of the county of the child's residence or the residence of a person seventeen years of age shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031 involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031 before making a report of such a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides.

5. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care or for the removal of custody of a child from the parent without a specific showing that there is a causal relation between the disability or disease and harm to the child.

386.510. REVIEW BY CIRCUIT COURT. — With respect to commission orders or decisions issued on and after July 1, 2011, within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may file a notice of appeal with the commission, which shall also be served on the parties to the commission proceeding in accordance with section 386.515, and which **the commission** shall [also be filed with] **forward to** the appellate court with the territorial jurisdiction over the county where the hearing was held or in which the commission has its principal office for the purpose of having the reasonableness or lawfulness of the original order or decision or the order or decision on rehearing inquired into or determined. Except with respect to a stay or suspension pursuant to subsection 1 of section 386.520, no new or additional evidence may be introduced in the appellate court but the cause shall be heard by the court without the intervention of a jury on the evidence and exhibits introduced before the commission and certified to by it. The notice of appeal shall include the appellant's application for rehearing, a copy of the reconciliation required by subsection 4 of section 386.420, a concise statement of the issues being appealed, a full and complete list of the parties to the commission proceeding, and any other information specified by the rules of the court. Unless otherwise ordered by the court of appeals, the commission shall, within thirty days of the filing of the notice of appeal, certify its record in the case to the court of appeals. The commission and each party to the action or proceeding before the commission shall have the right to intervene and participate fully in the review proceedings. Upon the submission of the case to the court of appeals, the court of appeals shall render its opinion either affirming or setting aside, in whole or in part, the order or decision of the commission under review. In case the order or decision is reversed by reason of the commission failing to receive testimony properly proffered, the court shall remand the cause to the commission, with instructions to receive the testimony so proffered and rejected, and enter a new order or render a new decision based upon the evidence theretofore taken, and such as it is directed to receive. The court may, in its discretion, remand any cause which is reversed by it to the commission for further action. No court in this state, except the supreme court or the court of appeals, shall have jurisdiction or authority to review, reverse, correct or annul any order or decision of the commission or to suspend or delay the executing or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties. The appellate courts of this state shall always be deemed open for the trial of suits brought to review the orders and decisions of the commission as provided in the public service commission law and the same shall where necessary be tried and determined as suits in equity.

400.9-311. PERFECTION OF SECURITY INTERESTS IN PROPERTY SUBJECT TO CERTAIN STATUTES, REGULATIONS, AND TREATIES. — (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt section 400.9-310(a);

(2) Sections 301.600 to 301.661, section 700.350, and section 400.2A-304; or

(3) A certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection (d) and sections 400.9-313 and 400.9-316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subsection (d) and section 400.9-316(d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this article.

(d) During any period in which collateral is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling [or leasing] goods of that kind, this section does not apply to a security interest in that collateral created by that person [as debtor].

452.374. PATERNITY PROCEEDINGS STAYED FOR RAPE CHARGES AGAINST PUTATIVE FATHER. — 1. If criminal charges alleging an act of rape are brought against the putative father of a child conceived as the result of that act of rape, the court shall issue an automatic stay of any paternity proceeding involving both the child and the alleged putative father. The stay shall not be lifted until there is a final disposition of such criminal charges.

2. In any future custody proceeding, any denial of visitation under this section shall not be used against the mother of the child when considering the factor contained in subdivision (4) of subsection 2 of section 452.375.

456.950. DEFINITION — PROPERTY AND INTERESTS IN PROPERTY, HOW HELD — DEATH OF SETTLOR, EFFECT OF — MARITAL PROPERTY RIGHTS, EFFECT ON. — 1. As used in this section, "qualified spousal trust" means a trust:

(1) The settlors of which are husband and wife at the time of the creation of the trust; and

(2) The terms of which provide that during the joint lives of the settlors all property or interests in property transferred to, or held by, the trustee are [either]:

(a) Held and administered in one trust for the benefit of both settlors, revocable by either or both settlors acting together while either or both are alive, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or

(b) Held and administered in two separate shares of one trust for the benefit of each of the settlors, with the trust revocable by each settlor with respect to that settlor's separate share of that trust without the participation or consent of the other settlor, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from that settlor's separate share for that settlor's life; or

(c) Held and administered under the terms and conditions contained in paragraphs (a) and (b) of this subdivision.

2. A qualified spousal trust may contain any other trust terms that are not inconsistent with the provisions of this section.

3. Property or interests in property held as tenants by the entirety by a husband and wife that is at any time transferred to the trustee of a qualified spousal trust of which the husband and wife are the settlors shall be held and administered as provided by the trust terms in accordance with [either] paragraph (a) [or], (b), **or (c)** of subdivision (2) of subsection 1 of this section, and all such property and interests in property, including the proceeds thereof, the income thereon, and any property into which such property, proceeds, or income may be converted, shall thereafter have the same immunity from the claims of the separate creditors of the settlors as would have existed if the settlors had continued to hold that property as husband and wife as tenants by the entirety, so long as:

(1) Both settlors are alive and remain married; and

(2) The property, proceeds, or income continue to be held in trust by the trustee of the qualified spousal trust.

4. Property or interests in property held by a husband and wife or held in the sole name of a husband or wife that is not held as tenants by the entirety and is transferred to a qualified spousal trust shall be held as directed in the qualified spousal trust's governing instrument or in the instrument of transfer and the rights of any claimant to any interest in that property shall not be affected by this section.

5. Upon the death of each settlor, all property and interests in property held by the trustee of the qualified spousal trust shall be distributed as directed by the then current terms of the governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior to death the predeceased settlor's interest in the qualified spousal trust was then held in such settlor's separate share, the property or interests in property in such settlor's separate share may pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the governing instrument shall direct, including without limitation a spendthrift provision as provided in section 456.5-502.

6. No transfer by a husband and wife as settlors to a qualified spousal trust shall affect or change either settlor's marital property rights to the transferred property or interest therein immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless both spouses otherwise expressly agree in writing.

7. This section shall apply to all trusts which fulfill the criteria set forth in this section for a qualified spousal trust regardless of whether such trust was created before or after August 28, 2011.

456.8-808. POWERS TO DIRECT — APPOINTMENT OF TRUST PROTECTOR, POWERS, LIMITATIONS. — 1. While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.

2. [If the terms of a trust confer upon a person other than the settlor of a revocable trust power to direct certain actions of the trustee, the trustee shall act in accordance with an exercise of the power unless the attempted exercise is contrary to the terms of the trust or the trustee knows the attempted exercise would constitute a serious breach of a fiduciary duty that the person holding the power owes to the beneficiaries of the trust.

3. The terms of a trust may confer upon a trustee or other person a power to direct the modification or termination of the trust.

4. A person, other than a beneficiary, who holds a power to direct is presumptively a fiduciary who, as such, is required to act in good faith with regard to the purposes of the trust and the interests of the beneficiaries. The holder of a power to direct is liable for any loss that results from breach of a fiduciary duty.] **A trust instrument may provide for the appointment of a trust protector. For purposes of this section, a "trust protector", whether referred to in the trust instrument by that name or by some other name, is a person, other than the settlor, a trustee, or a beneficiary, who is expressly granted in the trust instrument one or more powers over the trust.**

3. A trust protector appointed in the trust instrument shall have only the powers granted to the trust protector by the express terms of the trust instrument, and a trust protector is only authorized to act within the scope of the authority expressly granted in the trust instrument. Without limiting the authority of the settlor to grant powers to a trust protector, the express powers that may be granted include, but are not limited to, the following:

- (1) Remove and appoint a trustee or name a successor trustee or trust protector;
 - (2) Modify or amend the trust instrument to:
 - (a) Achieve favorable tax status or respond to changes in the Internal Revenue Code or state law, or the rulings and regulations under such code or law;
 - (b) Reflect legal changes that affect trust administration;
 - (c) Correct errors or ambiguities that might otherwise require court construction;
- or
- (d) Correct a drafting error that defeats a grantor's intent;
 - (3) Increase, decrease, modify, or restrict the interests of the beneficiary or beneficiaries of the trust;
 - (4) Terminate the trust in favor of the beneficiary or beneficiaries of the trust;
 - (5) Change the applicable law governing the trust and the trust situs; or
 - (6) Such other powers as are expressly granted to the trust protector in the trust instrument.

4. Notwithstanding any provision in the trust instrument to the contrary, a trust protector shall have no power to modify a trust to:

- (1) Remove a requirement from a trust created to meet the requirements of 42 U.S.C. Section 1396p(d)(4) to pay back a governmental entity for benefits provided to the permissible beneficiary of the trust at the death of that beneficiary; or
- (2) Reduce or eliminate an income interest of the income beneficiary of any of the following types of trusts:
 - (a) A trust for which a marital deduction has been taken for federal tax purposes under Section 2056 or 2523 of the Internal Revenue Code or for state tax purposes under any comparable provision of applicable state law, during the life of the settlor's spouse;
 - (b) A charitable remainder trust under Section 664 of the Internal Revenue Code, during the life of the noncharitable beneficiary;
 - (c) A grantor retained annuity trust under Section 2702 of the Internal Revenue Code, during any period in which the settlor is a beneficiary; or
 - (d) A trust for which an election as a qualified Sub-Chapter S Trust under Section 1361(d) of the Internal Revenue Code is currently in place.

5. Except to the extent otherwise provided in a trust instrument specifically referring to this subsection, the trust protector shall not exercise a power in a way that would result in a taxable gift for federal gift tax purposes or cause the inclusion of any assets of the trust in the trust protector's gross estate for federal estate tax purposes.

6. Except to the extent otherwise provided in the trust instrument and in subsection 7 of this section, and notwithstanding any provision of sections 456.1-101 to 456.11- 1106 to the contrary:

- (1) A trust protector shall act in a fiduciary capacity in carrying out the powers granted to the trust protector in the trust instrument, and shall have such duties to the beneficiaries, the settlor, or the trust as set forth in the trust instrument. A trust protector is not a trustee, and is not liable or accountable as a trustee when performing or declining to perform the express powers given to the trust protector in the trust instrument. A trust protector is not liable for the acts or omissions of any fiduciary or beneficiary under the trust instrument;
- (2) A trust protector is exonerated from any and all liability for the trust protector's acts or omissions, or arising from any exercise or nonexercise of the powers expressly

conferred on the trust protector in the trust instrument, unless it is established by a preponderance of the evidence that the acts or omissions of the trust protector were done or omitted in breach of the trust protector's duty, in bad faith or with reckless indifference;

(3) A trust protector is authorized to exercise the express powers granted in the trust instrument at any time and from time to time after the trust protector acquires knowledge of their appointment as trust protector and of the powers granted;

(4) A trust protector is entitled to receive, from the assets of the trust for which the trust protector is acting, reasonable compensation, and reimbursement of the reasonable costs and expenses incurred, in determining whether to carry out, and in carrying out, the express powers given to the trust protector in the trust instrument;

(5) A trust protector is entitled to receive, from the assets of the trust for which the trust protector is acting, reimbursement of the reasonable costs and expenses, including attorney's fees, of defending any claim made against the trust protector arising from the acts or omissions of the trust protector acting in that capacity unless it is established by clear and convincing evidence that the trust protector was acting in bad faith or with reckless indifference; and

(6) The express powers granted in the trust instrument shall not be exercised by the trust protector for the trust protector's own personal benefit.

7. If a trust protector is granted a power in the trust instrument to direct, consent to, or disapprove a trustee's actual or proposed investment decision, distribution decision, or other decision of the trustee required to be performed under applicable trust law in carrying out the duties of the trustee in administering the trust, then only with respect to such power, excluding the powers identified in subsection 3 of this section, the trust protector shall have the same duties and liabilities as if serving as a trustee under the trust instrument.

8. A trustee shall carry out the written directions given to the trustee by a trust protector acting within the scope of the powers expressly granted to the trust protector in the trust instrument. Except in cases of bad faith or reckless indifference on the part of the trustee, or as otherwise provided in the trust instrument, the trustee shall not be liable for any loss resulting directly or indirectly from any act taken or omitted as a result of the written direction of the trust protector or the failure of the trust protector to provide consent. Except as otherwise provided in the trust instrument, the trustee shall have no duty to monitor the conduct of the trust protector, provide advice to or consult with the trust protector, or communicate with or warn or apprise any beneficiary concerning instances in which the trustee would or might have exercised the trustee's own discretion in a manner different from the manner directed by the trust protector.

9. Except to the extent otherwise expressly provided in the trust instrument, the trust protector shall be entitled to receive information regarding the administration of the trust as follows:

(1) Upon the request of the trust protector, unless unreasonable under the circumstances, the trustee shall promptly provide to the trust protector any and all information related to the trust that may relate to the exercise or nonexercise of a power expressly granted to the trust protector in the trust instrument. The trustee has no obligation to provide any information to the trust protector except to the extent a trust protector requests information under this section;

(2) The request of the trust protector for information under this section shall be with respect to a single trust that is sufficiently identified to enable the trustee to locate the records of the trust; and

(3) If the trustee is bound by any confidentiality restrictions with respect to an asset of a trust, a trust protector who requests information under this section about such asset

shall agree to be bound by the confidentiality restrictions that bind the trustee before receiving such information from the trustee.

10. A trust protector may resign by giving thirty days' written notice to the trustee and any successor trust protector. A successor trust protector, if any, shall have all the powers expressly granted in the trust instrument to the resigning trust protector unless such powers are expressly modified for the successor trust protector.

11. A trust protector of a trust having its principal place of administration in this state submits personally to the jurisdiction of the courts of this state during any period that the principal place of administration of the trust is located in this state and the trust protector is serving in such capacity.

476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT, COMMITTEE, COSTS — EXPIRATION DATE. — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, [2013] **2018**, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of

confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class D felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with the joint legislative committee on court automation. Such committee shall consist of the following:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee;
- (4) The chair of the senate judiciary committee;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

9. Section 488.027 shall expire on September 1, [2013] **2018**. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, [2015] **2020**.

10. This section shall expire on September 1, [2015] **2020**.

479.011. ADMINISTRATIVE ADJUDICATION OF CERTAIN CODE VIOLATIONS, CERTAIN CITIES — AUTHORIZATION, RULES REQUIREMENTS — TRIBUNAL DESIGNATED BY ORDINANCE, PROCEDURES — EVIDENCE REVIEWED — IMPRISONMENT AND FINES LIMITED — JUDICIAL REVIEW, LIEN IMPOSED, WHEN. — 1. (1) The following cities may establish an administrative adjudication system under this section:

- (a) Any city not within a county;
- (b) Any home rule city with more than four hundred thousand inhabitants and located in more than one county; [and]
- (c) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants; **and**
- (d) **Any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants.**

(2) The cities listed in subdivision (1) of this subsection may establish, by order or ordinance, an administrative system for adjudicating housing, property maintenance, nuisance, parking, and other civil, nonmoving municipal code violations consistent with applicable state law. Such administrative adjudication system shall be subject to practice, procedure, and pleading rules established by the state supreme court, circuit court, or municipal court. This section shall not be construed to affect the validity of other administrative adjudication systems authorized by state law and created before August 28, 2004.

2. The order or ordinance creating the administrative adjudication system shall designate the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The administrative tribunal may operate under the supervision of the municipal court, parking commission, or other entity designated by order or ordinance and in a manner consistent with state law. The administrative tribunal shall adopt policies and procedures for administrative hearings, and filing and notification requirements for appeals to the municipal or circuit court, subject to the approval of the municipal or circuit court.

3. The administrative adjudication process authorized in this section shall ensure a fair and impartial review of contested municipal code violations, and shall afford the parties due process

of law. The formal rules of evidence shall not apply in any administrative review or hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The code violation notice, property record, and related documentation in the proper form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The officer who issued the code violation citation need not be present.

4. An administrative tribunal may not impose incarceration or any fine in excess of the amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under chapter 536 shall be a debt due and owing the city, and may be collected in accordance with applicable law.

5. Any final decision or disposition of a code violation by an administrative tribunal shall constitute a final determination for purposes of judicial review. Such determination is subject to review under chapter 536 or, at the request of the defendant made within ten days, a trial de novo in the circuit court. After expiration of the judicial review period under chapter 536, unless stayed by a court of competent jurisdiction, the administrative tribunal's decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Upon being recorded in the manner required by state law or the uniform commercial code, a lien may be imposed on the real or personal property of any defendant entering a plea of nolo contendere, pleading guilty to, or found guilty of a municipal code violation in the amount of any debt due the city under this section and enforced in the same manner as a judgment lien under a judgment of a court of competent jurisdiction. The city may also issue a special tax bill to collect fines issued for housing, property maintenance, and nuisance code violations.

479.040. CITIES MAY ELECT WHERE VIOLATIONS OF MUNICIPAL ORDINANCES MAY BE HEARD. — 1. **(1)** Any city, town or village with a population of less than four hundred thousand may elect to have the violations of its municipal ordinances heard and determined by an associate circuit judge of the circuit in which the city, town or village, or the major geographical portion thereof, is located; provided, however, if such election is made, all violations of that municipality's ordinances shall be heard and determined before an associate circuit judge or judges. If a municipality has elected to have the violations of its municipal ordinances heard and determined by an associate circuit judge, the municipality may thereafter elect to provide for a municipal judge or judges to hear such cases; provided, however, if such later election is made, all violations of that municipality's ordinances shall be heard and determined before a municipal judge. Nothing in this subsection shall preclude the transfer or assignment of another judge to hear and determine a case or class of cases when otherwise authorized by provisions of the constitution, law, or court rule. Nothing in this section shall preclude an election made under the provisions of subsection 4 of this section.

(2) In lieu of electing to have all violations of municipal ordinances heard and determined before an associate circuit court or a county municipal court, a city, town, or village may, under subdivision (1) of this subsection, elect to have such court only hear and determine those violations of its municipal ordinances as may be designated on the information by the prosecutor as involving an accused with special needs due to mental disorder or mental illness, as defined by section 630.005, or whose special needs, circumstances, and charges cannot be adequately accommodated by the municipal court of the city, town, or village, provided that the associate circuit court or county municipal court has established specialized dockets or courts to provide such adequate accommodations and resources for specifically handling such matters, such as a mental health court, housing court, domestic violence court, family court, or DWI court, and such associate circuit court or county municipal court accepts such election by consent of the presiding judge or by county contract, as applicable, and further provided that upon a

determination by the court that the accused does not have such special needs, the matter shall be transferred back to the municipal court.

2. If, after January 1, 1980, a municipality elects to have the violations of its municipal ordinances heard and determined by an associate circuit judge, the associate circuit judge or judges shall commence hearing and determining such violations six months after the municipality notifies the presiding judge of the circuit of its election. With the consent of the presiding judge, the associate circuit judge or judges may commence hearing such violations at an earlier date.

3. Associate circuit judges of the circuit in which the municipality, or major geographical portion thereof, is located shall hear and determine violations of municipal ordinances of any municipality with a population of under four hundred thousand for which a municipal judge is not provided.

4. Any city, town or village with a population of less than four hundred thousand located in a county which has created a county municipal court under the provisions of section 66.010 may elect to enter into a contract with the county to have violations of municipal ordinances prosecuted, heard, and determined in the county municipal court. If a contract is entered into under the provisions of this subsection, all violations of that municipality's ordinances shall be heard and determined in the county municipal court. The contract may provide for a transition period after an election is made under the provisions of this subsection.

483.015. ELECTION — TERM OF OFFICE — COMMISSION EXCEPTIONS, JACKSON COUNTY COURT ADMINISTRATOR TO BE CLERK, ST. LOUIS COUNTY CIRCUIT CLERK, HOW SELECTED — CIRCUIT CLERK OF SIXTH, SEVENTH, AND TWENTY-SECOND JUDICIAL CIRCUITS, HOW SELECTED.

1. At the general election in the year 1982, and every four years thereafter, except as herein provided and except as otherwise provided by law, circuit clerks shall be elected by the qualified voters of each county [and of the city of St. Louis], who shall be commissioned by the governor, and shall enter upon the discharge of their duties on the first day in January next ensuing their election, and shall hold their offices for the term of four years, and until their successors shall be duly elected and qualified, unless sooner removed from office.

2. The court administrator for Jackson County provided by the charter of Jackson County shall be selected as provided in the county charter and shall exercise all of the powers and duties of the circuit clerk of Jackson County. The director of judicial administration and the circuit clerk of St. Louis County shall be selected as provided in the charter of St. Louis County.

3. When provision is made in a county charter for the appointment of a court administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk, such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to be elected. The persons appointed to fill any such appointive positions shall be paid by the counties as provided by the county charter or ordinance; provided, however, that if provision is now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state shall pay over to the county a sum which is equivalent to the salary that would be payable by law by the state to an elected circuit clerk in such county if such charter provision was not in effect. The sum shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.

4. The circuit clerk in the sixth judicial circuit and in the seventh judicial circuit shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The circuit clerk in those circuits shall be removable for cause by a majority of the circuit judges and associate circuit judges of such circuit, en banc, in accordance with supreme court administrative rules governing court personnel. This subsection shall become effective on January 1, 2004, and the elected circuit clerks in those circuits in office at that time shall continue to hold such office for the remainder of their elected terms as if they had been appointed pursuant to the terms of this subsection.

5. The circuit clerk in the twenty-second judicial circuit shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The circuit clerk in such circuit shall be removable for cause by a majority of the circuit judges and associate circuit judges of such circuit, en banc, in accordance with supreme court administrative rules governing court personnel. The elected circuit clerk in such circuit in office on the effective date of this section shall continue to hold such office for the remainder of his or her elected term.

488.5026. TWO DOLLAR SURCHARGE FOR ALL CRIMINAL CASES, FUNDS TO BE DEPOSITED IN INMATE PRISONER DETAINEE SECURITY FUND. — 1. Upon approval of the governing body of a city, county, or a city not within a county, a surcharge of two dollars shall be assessed as costs in each court proceeding filed in any court in any city, county, or city not within a county adopting such a surcharge, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of two dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the governmental unit authorizing such surcharge.

3. The treasurer shall deposit funds generated by the surcharge into the "Inmate Security Fund". Funds deposited shall be utilized to **acquire and** develop biometric verification systems **and information sharing** to ensure that inmates, **prisoners, or detainees in a holding cell facility or other detention facility or area which hold persons detained only for a shorter period of time after arrest or after being formally charged** can be properly identified upon **booking** and tracked within **the local law enforcement administration system, criminal justice administration system, or** the local jail system. Upon the installation of the **information sharing or** biometric verification system, funds in the inmate **prisoner detainee** security fund may **also** be used for the maintenance, **repair, and replacement** of the **information sharing or** biometric verification system, and **also** to pay for any expenses related to **detention, custody, and housing and other expenses for inmates, prisoners, and detainees.**

488.5375. ADDITIONAL COST, CERTAIN FELONY SEXUAL OFFENSES WITH ELECTRONIC DEVICES SEIZED. — Upon a plea of guilty or a finding of guilt for a felony sexual offense in which computers, computer equipment, computer devices, cellular telephones, or other electronic devices were seized, the court may, in addition to imposition of any penalties provided by law, order the defendant to reimburse the state or local law enforcement agency for the costs incurred by such agency in the examination of any computer, computer equipment, computer devices, cellular telephones, or other electronic devices seized. Such costs shall include the reasonable costs of performing examinations of the seized electronic devices. Each law enforcement agency may establish a schedule of such costs; except that, the court may order the costs reduced if the court determines that the costs are excessive.

491.075. STATEMENT OF CHILD UNDER FOURTEEN OR VULNERABLE PERSON ADMISSIBLE, WHEN. — 1. A statement made by a child under the age of fourteen, or a **vulnerable person**, relating to an offense under chapter 565, 566, 568 or 573, performed [with or on a child] by another, not otherwise admissible by statute or court rule, is admissible in

evidence in criminal proceedings in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

(1) The court finds, in a hearing conducted outside the presence of the jury that the time, content and circumstances of the statement provide sufficient indicia of reliability; and

(2) (a) The child **or vulnerable person** testifies at the proceedings; or

(b) The child **or vulnerable person** is unavailable as a witness; or

(c) The child **or vulnerable person** is otherwise physically available as a witness but the court finds that the significant emotional or psychological trauma which would result from testifying in the personal presence of the defendant makes the child **or vulnerable person** unavailable as a witness at the time of the criminal proceeding.

2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions or confessions of the defendant, and notwithstanding any prohibition of hearsay evidence, a statement by a child when under the age of fourteen, **or a vulnerable person**, who is alleged to be victim of an offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement, admission or confession regardless of whether or not the child **or vulnerable person** is available to testify regarding the offense.

3. A statement may not be admitted under this section unless the prosecuting attorney makes known to the accused or the accused's counsel his or her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or the accused's counsel with a fair opportunity to prepare to meet the statement.

4. Nothing in this section shall be construed to limit the admissibility of statements, admissions or confessions otherwise admissible by law.

5. For the purposes of this section, "vulnerable person" shall mean a person who, as a result of an inadequately developed or impaired intelligence or a psychiatric disorder that materially affects ability to function, lacks the mental capacity to consent, or whose developmental level does not exceed that of an ordinary child of fourteen years of age.

508.050. SUITS AGAINST MUNICIPAL CORPORATIONS, WHERE COMMENCED. — Suits against municipal corporations as defendant or codefendant shall be commenced only in the county in which the municipal corporation is situated, or if the municipal corporation is situated in more than one county, then suits against the municipal corporation shall be commenced only in that county wherein the seat of government of the municipal corporation is situated; except that:

(1) Suits may be brought against a city containing more than four hundred thousand inhabitants in any county in which any part of the city is situated; **and**

(2) **Suits in inverse condemnation or involving dangerous conditions of public property against a municipal corporation established under article VI, section 30(a) of the Missouri Constitution shall be brought only in the county where such land or any part thereof lies.**

513.430. PROPERTY EXEMPT FROM ATTACHMENT — BENEFITS FROM CERTAIN EMPLOYEE PLANS, EXCEPTION — BANKRUPTCY PROCEEDING, FRAUDULENT TRANSFERS, EXCEPTION — CONSTRUCTION OF SECTION. — 1. The following property shall be exempt from attachment and execution to the extent of any person's-interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor [vehicle in the aggregate] **vehicles**, not to exceed three thousand dollars in value **in the aggregate**;

(6) Any mobile home used as the principal residence but not [on or] attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a [local] public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan or profit-sharing plan that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in [section 456.630] **subsection 2 of section 428.024** and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

513.440. OTHER PROPERTY EXEMPT — PROVISIONS — EXCEPTIONS. — Each head of a family may select and hold, exempt from execution, any other property, real, personal or mixed, or debts and wages, not exceeding in value the amount of one thousand two hundred fifty dollars plus three hundred fifty dollars for each of such person's unmarried dependent children under the age of [eighteen] **twenty-one** years or dependent as defined by the Internal Revenue Code of 1986, as amended, determined to be disabled by the Social Security Administration, except ten percent of any debt, income, salary or wages due such head of a family.

513.653. LAW ENFORCEMENT AGENCIES USING FEDERAL FORFEITURE SYSTEM, REPORT OF FEDERAL SEIZURE PROCEEDS — VIOLATION, PENALTY. — 1. Law enforcement agencies involved in using the federal forfeiture system under federal law shall [be required at the end of their respective fiscal year to acquire an independent audit of the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body and to the department of public safety. A copy of such audit shall be provided to the state auditor's office. This audit shall be paid for out of the proceeds of such federal forfeitures] **file a report regarding federal seizures and the proceeds therefrom. Such report shall be filed annually by January thirty-first for the previous calendar year with the department of public safety and the state auditor's office. The report for the calendar year shall include the type and value of items seized and turned over to the federal forfeiture system, the beginning balance as of January first of federal forfeiture funds or assets previously received and not expended or used, the proceeds received from the federal government (the equitable sharing amount), the expenditures resulting from the proceeds received, and the ending balance as of December thirty-first of federal forfeiture funds or assets on hand.** The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section.

2. Intentional or knowing failure to comply with the [audit] **reporting** requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars.

523.010. LANDS MAY BE CONDEMNED, WHEN — PETITION — PARTIES — POWER OF PUBLIC UTILITY TO CONDEMN CERTAIN LANDS, LIMITATION. —

1. In case land, or other property, is sought to be appropriated by any road, railroad, street railway, telephone, telegraph or any electrical corporation organized for the manufacture or transmission of electric current for light, heat or power, including the construction, when that is the case, of necessary dams and appurtenant canals, flumes, tunnels and tailraces and including the erection, when that is the case, of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations or any oil, pipeline or gas corporation engaged in the business of transporting or carrying oil, liquid fertilizer solutions, or gas by means of pipes or pipelines laid underneath the surface of the ground, or other corporation created under the laws of this state for public use, and such corporation and the owners cannot agree upon the proper compensation to be paid, or in the case the owner is incapable of contracting, be unknown, or be a nonresident of the state, such corporation may apply to the circuit court of the county of this state where such land or any part thereof lies by petition setting forth the general directions in which it is desired to construct its road, railroad, street railway, telephone, or telegraph line or electric line, including, when that is the case, the construction and maintenance of necessary dams and appurtenant canals, tunnels, flumes and tailraces and, when that is the case, the appropriation of land submerged by the construction of such dam, and including the erection and maintenance, when that is the case, of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline, liquid fertilizer solution pipeline, or gas line over or underneath the surface of such lands, a description of the real estate, or other property, which the company seeks to acquire; the names of the owners thereof, if known; or if unknown, a pertinent description of the property whose owners are unknown and praying the appointment of three disinterested residents of the county, as commissioners, or a jury, to assess the damages which such owners may severally sustain in consequence of the establishment, erection and maintenance of such road, railroad, street railway, telephone, telegraph line, or electrical line including damages from the construction and maintenance of necessary dams and the condemnation of land submerged thereby, and the construction and maintenance of appurtenant canals, flumes, tunnels and tailraces and the erection and maintenance of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline, or gas line over or underneath the surface of such lands; to which petition the owners of any or all as the plaintiff may elect of such parcels as lie within the county or circuit may be made parties defendant by names if the names are known, and by the description of the unknown owners of the land therein described if their names are unknown.

2. If the proceedings seek to affect the lands of persons under conservatorship, the conservators must be made parties defendant. If the present owner of any land to be affected has less estate than a fee, the person having the next vested estate in remainder may at the option of the petitioners be made party defendant; but if such remaindermen are not made parties, their interest shall not be bound by the proceedings.

3. It shall not be necessary to make any persons party defendants in respect to their ownership unless they are either in actual possession of the premises to be affected claiming title or having a title of the premises appearing of record upon the proper records of the county.

4. Except as provided in subsection 5 of this section, nothing in this chapter shall be construed to give a public utility, as defined in section 386.020, or a rural electric cooperative, as provided in chapter 394, the power to condemn property which is currently used by another provider of public utility service, including a municipality or a special purpose district, when such property is used or useful in providing utility services, if the public utility or cooperative seeking to condemn such property, directly or indirectly, will use or proposes to use the property for the

same purpose, or a purpose substantially similar to the purpose [that] **for which** the property is being used by the provider of the public utility service.

5. A public utility or a rural electric cooperative may only condemn the property of another provider of public utility service, even if the property is used or useful in providing utility services by such provider, if the condemnation is necessary for the public purpose of acquiring a nonexclusive easement or right-of-way across the property of such provider and only if the acquisition will not materially impair or interfere with the current use of such property by the utility or cooperative and will not prevent or materially impair such provider of public utility service from any future expansion of its facilities on such property.

6. If a public utility or rural electric cooperative seeks to condemn the property of another provider of public utility service, and the conditions in subsection 4 of this section do not apply, this section does not limit the condemnation powers otherwise possessed by such public utility or rural electric cooperative.

7. Suits in inverse condemnation or involving dangerous conditions of public property against a municipal corporation established under article VI, section 30(a) of the Missouri Constitution shall be brought only in the county where such land or any part thereof lies.

537.345. DEFINITIONS FOR SECTIONS 537.345 TO 537.347 AND 537.351. — As used in sections 537.345 to 537.347, **and section 537.351**, the following terms mean:

(1) "Charge", the admission price or fee asked by an owner of land or an invitation or permission without price or fee to use land for recreational purposes when such invitation or permission is given for the purpose of sales promotion, advertising or public goodwill in fostering business purposes;

(2) "Land", all real property, land and water, and all structures, fixtures, equipment and machinery thereon;

(3) "Owner", any individual, legal entity or governmental agency that has any ownership or security interest whatever or lease or right of possession in land;

(4) "Recreational use", hunting, fishing, camping, picnicking, biking, nature study, winter sports, viewing or enjoying archaeological or scenic sites, or other similar activities undertaken for recreation, exercise, education, relaxation, or pleasure on land owned by another;

(5) **"Trespasser", any person who enters on the property of another without permission and without an invitation, express or implied regardless of whether actual notice of trespass was given or the land was posted in accordance with the provisions of sections 569.140 and 569.145.**

537.346. LANDOWNER OWES NO DUTY OF CARE TO PERSONS ENTERING WITHOUT FEE TO KEEP LAND SAFE FOR RECREATIONAL USE. — Except as provided in sections 537.345 to 537.348, **and section 537.351**, an owner of land owes no duty of care to any person who enters on the land without charge to keep his land safe for recreational use or to give any general or specific warning with respect to any natural or artificial condition, structure, or personal property thereon.

537.351. TRESPASSERS, NO DUTY OF CARE BY OWNERS, EXCEPTION — LIABILITY FOR PHYSICAL INJURY OR DEATH, WHEN. — **1. Except as provided in subsection 2 of this section, a possessor of real property, including an owner, lessee, or other occupant, or an agent of such owner, lessee, or other occupant, owes no duty of care to a trespasser except to refrain from harming the trespasser by an intentional, willful, or wanton act. A possessor of real property may use justifiable force to repel a criminal trespasser as provided by section 563.074.**

2. A possessor of real property may be subject to liability for physical injury or death to a trespasser in the following situations:

(1) If the trespasser is a child who is harmed by a dangerous artificial condition on the land; and

(a) The possessor knew or should have known that children were likely to trespass at the location of the condition;

(b) The condition is one which the possessor knew or reasonably should have known involved an unreasonable risk of death or serious physical injury to such children;

(c) The injured child because of the child's youth did not discover the condition or realize the risk involved in the intermeddling with the condition or in coming within the area made dangerous by the condition;

(d) The utility to the possessor of maintaining the condition and the burden of eliminating the danger were slight as compared with the risk to the child involved; and

(e) The possessor failed to exercise reasonable care to eliminate the danger or otherwise protect the injured child; or

(2) The possessor knew or should have known that trespassers consistently intrude upon a limited area of the possessor's land where the trespasser was harmed, the harm resulted from a dangerous artificial condition on the land; and

(a) The possessor created or maintained the artificial condition that caused the injury;

(b) The possessor knew that the condition was likely to cause death or serious bodily harm to trespassers;

(c) The possessor knew or should have known that the condition was of such a nature that trespassers would not discover it; and

(d) The possessor failed to exercise reasonable care to warn trespassers of the condition and the risk involved; or

(3) If the possessor knew of the trespasser's presence on the land and failed to exercise ordinary care as to active operations carried out on the land.

3. This section does not create or increase the liability of any possessor of real property and does not affect any immunities from or defenses to liability established under state law or available under common law to which a possessor of real property may be entitled under circumstances not covered by this section.

537.528. ACTIONS FOR DAMAGES FOR CONDUCT OR SPEECH AT PUBLIC HEARINGS AND MEETINGS TO BE CONSIDERED ON EXPEDITED BASIS — PROCEDURAL ISSUES. — 1. Any action [seeking money damages] against a person for conduct or speech undertaken or made in connection with a public hearing or public meeting, in a quasi-judicial proceeding before a tribunal or decision-making body of the state or any political subdivision of the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. Upon the filing of any special motion described in this subsection, all discovery shall be suspended pending a decision on the motion by the court and the exhaustion of all appeals regarding the special motion.

2. If the rights afforded by this section are raised as an affirmative defense and if a court grants a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment filed within ninety days of the filing of the moving party's answer, the court shall award reasonable attorney fees and costs incurred by the moving party in defending the action. If the court finds that a special motion to dismiss or motion for summary judgment is frivolous or solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney fees to the party prevailing on the motion.

3. Any party shall have the right to an expedited appeal from a trial court order on the special motions described in subsection 2 of this section or from a trial court's failure to rule on the motion on an expedited basis.

4. As used in this section, a "public meeting in a quasi-judicial proceeding" means and includes any meeting established and held by a state or local governmental entity, including without limitations meetings or presentations before state, county, city, town or village councils, planning commissions, review boards or commissions.

5. Nothing in this section limits or prohibits the exercise of a right or remedy of a party granted pursuant to another constitutional, statutory, common law or administrative provision, including civil actions for defamation.

6. If any provision of this section or the application of any provision of this section to a person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

7. The provisions of this section shall apply to all causes of actions.

542.301. DISPOSITION OF UNCLAIMED SEIZED PROPERTY — FORFEITURE TO THE STATE, WHEN — ALLEGEDLY OBSCENE MATTER, HOW TREATED — APPEAL AUTHORIZED.

— 1. Property which comes into the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to any other provisions of law or returned to the claimant shall be disposed of as follows:

(1) Stolen property, or property acquired in any other manner declared an offense by chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this subsection, shall be delivered by order of court upon claim having been made and established, to the person who is entitled to possession:

(a) The claim shall be made by written motion filed with the court with which a motion to suppress has been, or may be, filed. The claim shall be barred if not made within one year from the date of the seizure;

(b) Upon the filing of such motion, the judge shall order notice to be given to all persons interested in the property, including other claimants and the person from whose possession the property was seized, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons whose address is unknown by publication in a newspaper of general circulation in the county. No property shall be delivered to any claimant unless all interested persons have been given a reasonable opportunity to appear and to be heard;

(c) After a hearing, the judge shall order the property delivered to the person or persons entitled to possession, if any. The judge may direct that delivery of property required as evidence in a criminal proceeding shall be postponed until the need no longer exists;

(d) A law enforcement officer having custody of seized property may, at any time that seized property has ceased to be useful as evidence, request that the prosecuting attorney of the county in which property was seized file a motion with the court of such county for the disposition of the seized property. If the prosecuting attorney does not file such motion within sixty days of the request by the law enforcement officer having custody of the seized property, then such officer may request that the attorney general file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. Such disposition may, if the property is not claimed within one year from the date of the seizure or if no one establishes a right to it, and the seized property has ceased to be useful as evidence, include a public sale of the property. Pursuant to a motion properly filed and granted under this section, the proceeds of any sale, less necessary expenses of preservation and sale, shall be paid into the county treasury for the use of the county. If the property is not salable, the judge may order its destruction. Notwithstanding any other provision of law, if no claim is filed within one year of the seizure and no motion pursuant to this section is filed within six months thereafter, and the seized property has ceased to be useful as evidence, the property shall be deemed abandoned,

converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543;

(e) If the property is a living animal or is perishable, the judge may, at any time, order it sold at public sale. The proceeds shall be held in lieu of the property. A written description of the property sold shall be filed with the judge making the order of sale so that the claimant may identify the property. If the proceeds are not claimed within the time limited for the claim of the property, the proceeds shall be paid into the county treasury. If the property is not salable, the judge may order its destruction.

(2) Weapons, tools, devices, **computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet**, and substances other than motor vehicles, aircraft or watercraft, used by the owner or with the owner's consent as a means for committing felonies other than the offense of possessing burglary tools in violation of section 569.180, and property, the possession of which is an offense under the laws of this state or which has been used by the owner, or used with the owner's acquiescence or consent, as a raw material or as an instrument to manufacture [or], produce, **or distribute, or be used as a means of storage of** anything the possession of which is an offense under the laws of this state, or which any statute authorizes or directs to be seized, other than lawfully possessed weapons seized by an officer incident to an arrest, shall be forfeited to the state of Missouri.

2. The officer who has custody of the property shall inform the prosecuting attorney of the fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon file a written motion with the court with which the motion to suppress has been, or may be, filed praying for an order directing the forfeiture of the property. If the prosecuting attorney of a county in which property is seized fails to file a motion with the court for the disposition of the seized property within sixty days of the request by a law enforcement officer, the officer having custody of the seized property may request the attorney general to file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. The signed motion shall be returned to the requesting agency. A motion may also be filed by any person claiming the right to possession of the property praying that the court declare the property not subject to forfeiture and order it delivered to the moving party.

3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the judge shall order notice to be given to all persons interested in the property, including the person out of whose possession the property was seized and any lienors, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons of unknown address by publication in a newspaper of general circulation in the county. Every interested person shall be given a reasonable opportunity to appear and to be heard as to the nature of the person's claim to the property and upon the issue of whether or not it is subject to forfeiture.

4. If the evidence is clear and convincing that the property in issue is in fact of a kind subject to forfeiture under this subsection, the judge shall declare it forfeited and order its destruction or sale. The judge shall direct that the destruction or sale of property needed as evidence in a criminal proceeding shall be postponed until this need no longer exists.

5. If the forfeited property can be put to a lawful use, it may be ordered sold after any alterations which are necessary to adapt it to a lawful use have been made. **In the case of computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet, or other devices used in the acquisition, possession, or distribution of child pornography or obscene material, the law enforcement agency in possession of such items may, upon court order, retain possession of such property and convert such property to the use of the law enforcement agency for use in criminal investigations.** If there is a holder of a bona fide lien against property which

has been used as a means for committing an offense or which has been used as a raw material or as an instrument to manufacture or produce anything which is an offense to possess, who establishes that the use was without the lienholder's acquiescence or consent, the proceeds, less necessary expenses of preservation and sale, shall be paid to the lienholder to the amount of the lienholder's lien. The remaining amount shall be paid into the county treasury.

6. If the property is perishable the judge may order it sold at a public sale or destroyed, as may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of preservation and sale, shall be held in lieu of the property.

7. When a warrant has been issued to search for and seize allegedly obscene matter for forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and convincing that the matter is obscene as defined by law and it was being held or displayed for sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene and forfeited to the state and order its destruction or other disposition; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without the judge having thoroughly examined each item. If the material to be seized is the same as or another copy of matter that has already been determined to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's agent, the determination of obscenity in the criminal proceeding shall constitute clear and convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except when the dealer, exhibitor or displayer consents to a longer period, or by such person's actions or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered within ten days of the return of the warrant. If the matter is not found to be obscene or is not found to have been held or displayed for sale, exhibition or distribution to the public, or a judgment is not entered within the time provided for, the matter shall be restored forthwith to the dealer, exhibitor or displayer.

8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case should be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of a matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

9. A determination of obscenity, pursuant to this subsection, shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter; except that dealer, distributor or displayer from which the obscene matter was seized for forfeiture to the state.

10. When allegedly obscene matter or pornographic material for minors has been seized under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in which the matter was seized may file a written motion with the circuit court of the county or judicial district in which the seizure occurred praying for an order directing the forfeiture of the matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date, time, place and nature of the hearing shall be personally served upon the owner, dealer, exhibitor, displayer or such person's agent. Such notice shall be served no less than five days before the hearing.

11. If the evidence is clear and convincing that the matter is obscene as defined by law, and that the obscene material was being held or displayed for sale, exhibition, distribution or circulation to the public or that the matter is pornographic for minors and that the pornographic material was being held or displayed for sale, exhibition, distribution or circulation to minors, the judge shall declare it to be obscene or pornographic for minors and forfeited to the state and order its destruction or other disposition. A determination that the matter is obscene in a criminal

proceeding as well as a determination that such obscene material was held or displayed for sale, exhibition, distribution or circulation to the public or a determination that the matter is pornographic for minors in a criminal proceeding as well as a determination that such pornographic material was held or displayed for sale, exhibition, distribution or circulation to minors shall be clear and convincing evidence that such material should be forfeited to the state; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without a judge having thoroughly examined each item. A dealer, distributor or displayer shall have had reasonable opportunity to appear in opposition if the matter the prosecutor seeks to destroy is the same matter that formed the basis of a criminal proceeding against the dealer, distributor or displayer where the dealer, distributor or displayer has been charged and found guilty of holding or displaying for sale, exhibiting, distributing or circulating obscene material to the public or pornographic material for minors to minors. If the matter is not found to be obscene, or if obscene material is not found to have been held or displayed for sale, exhibition, distribution or circulation to the public, or if the matter is not found to be pornographic for minors or if pornographic material is not found to have been held or displayed for sale, exhibition, distribution or circulation to minors, the matter shall be restored forthwith to the dealer, exhibitor or displayer.

12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case shall be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

13. A determination of obscenity shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter.

14. An appeal by any party shall be allowed from the judgment of the court as in other civil actions.

15. All other property still in the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to this section or any other provision of law after three years following the seizure and which has ceased to be useful as evidence shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543.

16. In fiscal year 2003, the commissioner of administration shall estimate the amount of any additional state revenue received pursuant to this section and section 447.532, shall transfer an equivalent amount of general revenue to the schools of the future fund created in section 163.005.

558.019. PRIOR FELONY CONVICTIONS, MINIMUM PRISON TERMS — PRISON COMMITMENT DEFINED — DANGEROUS FELONY, MINIMUM TERM PRISON TERM, HOW CALCULATED — SENTENCING COMMISSION CREATED, MEMBERS, DUTIES — EXPENSES — COOPERATION WITH COMMISSION — RESTORATIVE JUSTICE METHODS — RESTITUTION FUND. — 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, section 558.018 or section 571.015, which set minimum terms of sentences, or the provisions of section 559.115, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes of felonies except those set forth in chapter 195, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found

guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) [The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under

the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
- (b) The record of prior offenses by the offender;
- (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and
- (d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(5) The commission shall publish and distribute its recommendations on or before July 1, 2004. The commission shall study the implementation and use of the recommendations until July 1, 2005, and return a report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 2005, report, the commission shall revise the recommended sentences every two years.

(6) (4) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(7) (5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(8) (6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

8. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;
- (2) Offender treatment programs;
- (3) Mandatory community service;
- (4) Work release programs in local facilities; and
- (5) Community-based residential and nonresidential programs.

9. The provisions of this section shall apply only to offenses occurring on or after August 28, 2003.

10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.

12. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.

565.072. DOMESTIC ASSAULT, FIRST DEGREE — PENALTY. — 1. A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member [or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor], **including any child who is a member of the family or household**, as defined in section 455.010.

2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim or has previously pleaded guilty to or been found guilty of committing this crime, in which case it is a class A felony.

565.073. DOMESTIC ASSAULT, SECOND DEGREE — PENALTY. — 1. A person commits the crime of domestic assault in the second degree if the act involves a family or household member [or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor], **including any child who is a member of the family or household**, as defined in section 455.010, and he or she:

(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. Domestic assault in the second degree is a class C felony.

565.074. DOMESTIC ASSAULT, THIRD DEGREE — PENALTY. — 1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member [or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor], **including any child who is a member of the family or household**, as defined in section 455.010 and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be a violation of this section, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members.

566.083. SEXUAL MISCONDUCT INVOLVING A CHILD, PENALTY — APPLICABILITY OF SECTION—AFFIRMATIVE DEFENSE NOT ALLOWED, WHEN.— 1. A person commits the crime of sexual misconduct involving a child if [the] **such** person:

(1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;

(2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; [or]

(3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; **or**

(4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the Internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. The provisions of this section shall apply regardless of whether the person violates [the] **this** section in person or via the Internet or other electronic means.

3. It is not an affirmative defense to prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

4. Sexual misconduct involving a child or attempted sexual misconduct involving a child is a class D felony unless the actor has previously pleaded guilty to or been found guilty of an offense pursuant to this chapter or the actor has previously pleaded guilty to or has been convicted of an offense against the laws of another state or jurisdiction which would constitute an offense under this chapter, in which case it is a class C felony.

568.060. ABUSE OR NEGLECT OF A CHILD, PENALTY.— 1. [A person commits the crime of abuse of a child if such person:

(1) Knowingly inflicts cruel and inhuman punishment upon a child less than seventeen years old; or

(2) Photographs or films a child less than eighteen years old engaging in a prohibited sexual act or in the simulation of such an act or who causes or knowingly permits a child to engage in a prohibited sexual act or in the simulation of such an act for the purpose of photographing or filming the act.

2. As used in this section "prohibited sexual act" means any of the following, whether performed or engaged in either with any other person or alone: sexual or anal intercourse, masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any individual who may view such depiction.

3. Abuse of a child is a class C felony, unless:

(1) In the course thereof the person inflicts serious emotional injury on the child, or the offense is committed as part of a ritual or ceremony in which case the crime is a class B felony; or

(2) A child dies as a result of injuries sustained from conduct chargeable pursuant to the provisions of this section, in which case the crime is a class A felony.

4. As used in this section, the word "fetishism" means a condition in which erotic feelings are excited by an object or body part whose presence is psychologically necessary for sexual stimulation or gratification] **As used in this section, the following terms shall mean:**

(1) **"Abuse", the infliction of physical, sexual, or mental injury against a child by any person eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted on a child by accidental means by a person with care, custody, or control of the child, or discipline of a child by a person with care, custody, or control of the child, including spanking, in a reasonable manner;**

(2) **"Abusive head trauma", a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;**

(3) **"Mental injury", an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior;**

(4) **"Neglect", the failure to provide, by those responsible for the care, custody, and control of a child under the age of eighteen years, the care reasonable and necessary to maintain the physical and mental health of the child, when such failure presents a substantial probability that death or physical injury or sexual injury would result;**

(5) **"Physical injury", physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ;**

(6) **"Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;**

(7) **"Serious physical injury", a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.**

2. A person commits the offense of abuse or neglect of a child if such person knowingly causes a child who is less than eighteen years of age:

(1) To suffer physical or mental injury as a result of abuse or neglect; or

(2) To be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect.

3. A person commits the offense of abuse or neglect of a child if such person recklessly causes a child who is less than eighteen years of age to suffer from abusive head trauma.

4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person delivers or allows the delivery of child to a provider of emergency services.

5. The offense of abuse or neglect of a child is a class C felony, without eligibility for probation or parole until the defendant has served no less than one year of such sentence, unless the person has previously been found guilty of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the defendant has served not less than five years of such sentence.

6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or neglect of a child is a class A felony, without eligibility for probation or parole until the defendant has served not less than fifteen years of such sentence, if:

- (1) The injury is a serious emotional injury or a serious physical injury;
- (2) The child is less than fourteen years of age; and
- (3) The injury is the result of sexual abuse as defined under section 566.100 or sexual exploitation of a minor as defined under section 573.023.

7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or neglect of a child to an appropriate public or private agency for treatment or counseling so long as the agency has consented to taking such referrals. Nothing in this subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for treatment or counseling pursuant to this subsection.

8. Nothing in this section shall be construed to alter the requirement that every element of any crime referred to herein must be proven beyond a reasonable doubt.

9. Discipline, including spanking administered in a reasonable manner, shall not be construed to be abuse under this section.

569.100. PROPERTY DAMAGE IN THE FIRST DEGREE. — 1. A person commits the crime of property damage in the first degree if **such person**:

- (1) [He] Knowingly damages property of another to an extent exceeding seven hundred and fifty dollars; or
- (2) [He] Damages property to an extent exceeding one thousand 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. Property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class D felony. Property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class C 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.

SECTION 1. ESTABLISHMENT OF AN AIRPORT AUTHORITY BY AN ELIGIBLE ENTITY, JURISDICTION. — Whenever the fiscal body of one (1) or more eligible entities, acting individually or jointly, adopts an ordinance or a resolution in favor of the establishment of an airport authority under this chapter, there is established an airport authority. The authority has jurisdiction over a district with boundaries coterminous with the jurisdictional boundaries of the entity or entities adopting the ordinance or resolution. The authority must have a name including the words "airport authority."

SECTION 2. JOINT COMMITTEE TO EVALUATE REMOVAL OF CERTAIN OFFENSES FROM THE SEXUAL OFFENDER REGISTRY. — Consistent with its comprehensive review of the Missouri criminal code, the joint committee on the Missouri criminal code, as established by senate concurrent resolution no. 28 as adopted by the ninety-sixth general assembly, second regular session, shall evaluate removal of offenses from the sexual offender registry which do not jeopardize public safety or do not contribute to the public's assessment of risk associated with offenders.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

SB 631 [CCS HCS SCS SB 631]

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

Exempts persons who purchase less than 50,000 bushels of grain a year from needing a grain dealer license

AN ACT to repeal sections 178.530, 276.401, 304.180, 350.015, and 578.005, RSMo, and to enact in lieu thereof thirteen new sections relating to agriculture, with penalty provisions.

SECTION

- A. Enacting clause.
- 178.530. State board to establish standards, inspect and approve schools — local boards to report — allocation of money — standards for agricultural education.
- 262.255. Exhibiting livestock, all qualified 4-H and FFA members permitted to participate — rules and fees permitted.
- 276.401. Title, and scope of the law — definitions.
- 304.180. Regulations as to weight — axle load, tandem axle defined — idle reduction technology, increase in maximum gross weight permitted, amount — hauling livestock or milk, total gross weight permitted.
- 350.015. Corporations not to engage in farming — exceptions.
- 350.017. Agricultural land in use as of September 28, 2007, exempt from certain restrictions for production of swine in certain counties — no expansion permitted.
- 537.850. Citation of law — definitions.
- 537.856. Signage required — contract warning notice and language, contents — written description of activity required, when.
- 537.859. Immunity from liability, when — affirmative defense.
- 578.005. Definitions.
- 578.013. Recordings of farm animals alleged to be abused or neglected, submission to law enforcement required — violation, penalty.
1. Exhibition of livestock at fairs and expositions in this state, all 4-H and FFA members permitted to participate — rules and fees permitted.
 2. Exhibition of livestock or domestic animals at fairs, expositions, and pet shows, all livestock breeders and domestic animal owners permitted to participate — rules and fees permitted.

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

SECTION A. ENACTING CLAUSE. — Sections 178.530, 276.401, 304.180, 350.015, and 578.005, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 178.530, 262.255, 276.401, 304.180, 350.015, 350.017, 537.850, 537.856, 537.859, 578.005, 578.013, 1, and 2, to read as follows:

178.530. STATE BOARD TO ESTABLISH STANDARDS, INSPECT AND APPROVE SCHOOLS — LOCAL BOARDS TO REPORT — ALLOCATION OF MONEY — STANDARDS FOR AGRICULTURAL EDUCATION. — **1.** The state board of education shall establish standards and annually inspect, as a basis for approval, all public prevocational, vocational schools, Linn State Technical College, departments and classes receiving state or federal moneys for giving training in agriculture, industrial, home economics and commercial subjects and all schools, departments and classes receiving state or federal moneys for the preparation of teachers and supervisors of such subjects. The public prevocational and vocational schools, Linn State Technical College, departments, and classes, and the training schools, departments and classes are entitled to the state or federal moneys so long as they are approved by the state board of education, as to site, plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods of instruction. All disbursements of state or federal moneys for the benefit of the approved prevocational and vocational schools, Linn State Technical College, departments and classes shall be made semiannually. The school board of each approved school or the governing body of Linn State Technical College shall file a report with the state board of education at the times

and in the form that the state board requires. Upon receipt of a satisfactory report, the state board of education shall certify to the commissioner of administration for his approval the amount of the state and federal moneys due the school district or Linn State Technical College. The amount due the school district shall be certified by the commissioner of administration and proper warrant therefor shall be issued to the district treasurer or Linn State Technical College.

2. Notwithstanding the provisions of subsection 1 of this section, the state board of education shall establish standards for agricultural education that may be adopted by a private school accredited by an agency recognized by the United States Department of Education as an accreditor of private schools that wishes to provide quality vocational programming outside the requirements of, but consistent with, the federal vocational education act. Such standards shall be sufficient to qualify a private school to apply to the state chapter for approval of a local chapter of a federally chartered national agricultural education association on a form developed for that purpose by the department of elementary and secondary education. The provisions of this subsection shall not be construed to create eligibility for a private school to receive state or federal funding for agricultural vocational education, but shall not prohibit a private school from receiving state or federal funds for which such private school would otherwise be eligible for agricultural vocational education. Any such private school shall reimburse the department annually for the cost of oversight and maintenance of the program.

262.255. EXHIBITING LIVESTOCK, ALL QUALIFIED 4-H AND FFA MEMBERS PERMITTED TO PARTICIPATE — RULES AND FEES PERMITTED. — The state fair commission shall permit all qualifying 4-H and Future Farmers of America (FFA) members to exhibit livestock at the state fair. The state fair commission shall have the authority to establish rules and fees for participation in its individual events.

276.401. TITLE, AND SCOPE OF THE LAW — DEFINITIONS. — 1. Sections 276.401 to 276.582 shall be known as the "Missouri Grain Dealer Law".

2. The provisions of the Missouri grain dealer law shall apply to grain purchases where title to the grain transfers from the seller to the buyer within the state of Missouri.

3. Unless otherwise specified by contractual agreement, title shall be deemed to pass to the buyer as follows:

(1) On freight on board (FOB) origin or freight on board (FOB) basing point contracts, title transfers at time and place of shipment;

(2) On delivered contracts, when and where constructively placed, or otherwise made available at buyer's original destination;

(3) On contracts involving in-store commodities, at the storing warehouse and at the time of contracting or transfer, and/or mailing of documents, if required, by certified mail, unless and to the extent warehouse tariff, warehouse receipt and/or storage contract assumes the risk of loss and/or damage.

4. As used in sections 276.401 to 276.582, unless the context otherwise requires, the following terms mean:

(1) "Auditor", a person appointed under sections 276.401 to 276.582 by the director to assist in the administration of sections 276.401 to 276.582, and whose duties include making inspections, audits and investigations authorized under sections 276.401 to 276.582;

(2) "Authorized agent", any person who has the legal authority to act on behalf of, or for the benefit of, another person;

(3) "Buyer", any person who buys or contracts to buy grain;

(4) "Certified public accountant", any person licensed as such under chapter 326;

(5) "Claimant", any person who requests payment for grain sold by him to a dealer, but who does not receive payment because the purchasing dealer fails or refuses to make payment;

(6) "Credit sales contracts", a conditional grain sales contract wherein payment and/or pricing of the grain is deferred to a later date. Credit sales contracts include, but are not limited to, all contracts meeting the definition of deferred payment contracts, and/or delayed price contracts;

(7) "Current assets", resources that are reasonably expected to be realized in cash, sold, or consumed (prepaid items) within one year of the balance sheet date;

(8) "Current liabilities", obligations reasonably expected to be liquidated within one year and the liquidation of which is expected to require the use of existing resources, properly classified as current assets, or the creation of additional liabilities. Current liabilities include obligations that, by their terms, are payable on demand unless the creditor has waived, in writing, the right to demand payment within one year of the balance sheet date;

(9) "Deferred payment agreement", a conditional grain sales transaction establishing an agreed upon price for the grain and delaying payment to an agreed upon later date or time period. Ownership of the grain, and the right to sell it, transfers from seller to buyer so long as the conditions specified in section 276.461 and section 411.325 are met;

(10) "Deferred pricing agreement", a conditional grain sales transaction wherein no price has been established on the grain, the seller retains the right to price the grain later at a mutually agreed upon method of price determination. Deferred pricing agreements include, but are not limited to, contracts commonly known as no price established contracts, price later contracts, and basis contracts on which the purchase price is not established at or before delivery of the grain. Ownership of the grain, and the right to sell it, transfers from seller to buyer so long as the conditions specified in section 276.461 and section 411.325 are met;

(11) "Delivery date" shall mean the date upon which the seller transfers physical possession, or the right of physical possession, of the last unit of grain in any given transaction;

(12) "Department", the Missouri department of agriculture;

(13) "Designated representative", an employee or official of the department designated by the director to assist in the administration of sections 276.401 to 276.582;

(14) "Director", the director of the Missouri department of agriculture or his designated representative;

(15) "Generally accepted accounting principles", the conventions, rules and procedures necessary to define accepted accounting practice, which include broad guidelines of general application as well as detailed practices and procedures generally accepted by the accounting profession, and which have substantial authoritative support from the American Institute of Certified Public Accountants;

(16) "Grain", all grains for which the United States Department of Agriculture has established standards under the United States Grain Standards Act, Sections 71 to 87, Title 7, United States Code, and any other agricultural commodity or seed prescribed by the director by regulation;

(17) "Grain dealer" or "dealer", any person engaged in the business of, or as a part of his business participates in, buying grain where title to the grain transfers from the seller to the buyer within the state of Missouri. "Grain dealer" or "dealer" shall not be construed to mean or include:

(a) Any person or entity who is a member of a recognized board of trade or futures exchange and whose trading in grain is limited solely to trading with other members of a recognized board of trade or futures exchange; provided, that grain purchases from a licensed warehouseman, farmer/producer or any other individual or entity in a manner other than through the purchase of a grain futures contract on a recognized board of trade or futures exchange shall be subject to sections 276.401 to 276.582. Exempted herein are all futures transactions;

(b) A producer or feeder of grain for livestock or poultry buying grain for his own farming or feeding purposes who purchases grain exclusively from licensed grain dealers or whose total grain purchases from producers during his or her fiscal year do not exceed fifty thousand bushels;

(c) Any person or entity whose grain purchases in the state of Missouri are made exclusively from licensed grain dealers;

(d) A manufacturer or processor of registered or unregistered feed whose total grain purchases from producers during his or her fiscal year [does] **do** not exceed [one hundred thousand dollars] **fifty thousand bushels** and who pays for all grain purchases from producers at the time of physical transfer of the grain from the seller or his or her agent to the buyer or his or her agent and whose resale of such grain is solely in the form of manufactured or processed feed or feed by-products or whole feed grains to be used by the purchaser thereof as feed;

(18) "Grain transport vehicle", a truck, tractor-trailer unit, wagon, pup, or any other vehicle or trailer used by a dealer, whether owned or leased by him, to transport grain which he has purchased; except that, bulk or bagged feed delivery trucks which are used principally for the purpose of hauling feed and any trucks for which the licensed gross weight does not exceed twenty-four thousand pounds shall not be construed to be a grain transport vehicle;

(19) "Insolvent" or "insolvency", (a) an excess of liabilities over assets or (b) the inability of a person to meet his financial obligations as they come due, or both (a) and (b);

(20) "Interested person", any person having a contractual or other financial interest in grain sold to a dealer, licensed, or required to be licensed;

(21) "Location", any site other than the principal office where the grain dealer engages in the business of purchasing grain;

(22) "Minimum price contract", a conditional grain sales transaction establishing an agreed upon minimum price where the seller may participate in subsequent price gain, if any. Ownership of the grain, and the right to sell it, transfers from the seller to the buyer so long as the conditions specified in section 276.461 and section 411.325 are met;

(23) "Person", any individual, partnership, corporation, cooperative, society, association, trustee, receiver, public body, political subdivision or any other legal or commercial entity of any kind whatsoever, and any member, officer or employee thereof;

(24) "Producer", any owner, tenant or operator of land who has an interest in and receives all or any part of the proceeds from the sale of grain or livestock produced thereon;

(25) "Purchase", to buy or contract to buy grain;

(26) "Sale", the passing of title from the seller to the buyer in consideration of the payment or promise of payment of a certain price in money, or its equivalent;

(27) "Value", any consideration sufficient to support a simple contract.

304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — IDLE REDUCTION TECHNOLOGY, INCREASE IN MAXIMUM GROSS WEIGHT PERMITTED, AMOUNT — HAULING LIVESTOCK OR MILK, TOTAL GROSS WEIGHT PERMITTED. — 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.

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 [subsection] **subsections 9 and 10** of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may

be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway [65, and] 63, on U.S. Highway 65 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The provisions of this subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility may be as much as, but shall not exceed, eight-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 operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

350.015. CORPORATIONS NOT TO ENGAGE IN FARMING — EXCEPTIONS. — After September 28, 1975, no corporation not already engaged in farming shall engage in farming; nor shall any corporation, directly or indirectly, acquire, or otherwise obtain an interest, whether legal, beneficial or otherwise, in any title to agricultural land in this state; provided, however, that the restrictions set forth in this section shall not apply to the following:

(1) A bona fide encumbrance taken for purposes of security;

(2) A family farm corporation or an authorized farm corporation as defined in section 350.010;

(3) Agricultural land and land capable of being used for farming owned by a corporation as of September 28, 1975, including the normal expansion of such ownership at a rate not to exceed twenty percent, measured in acres, in any five-year period, or agricultural land and land capable of being used for farming which is leased by a corporation in an amount, measured in acres, not to exceed the acreage under lease to such corporation as of September 28, 1975, and the additional acreage for normal expansion at a rate not to exceed twenty percent in any five-year period, and the additional acreage reasonably necessary, whether to be owned or leased by a corporation, to meet the requirements of pollution control regulations;

(4) A farm operated wholly for research or experimental purposes, including seed research and experimentation and seed stock production for genetic improvements, provided that any commercial sales from such farm shall be incidental to the research or experimental objectives of the corporation;

(5) Agricultural land operated by a corporation for the purposes of growing nursery plants, vegetables, grain or fruit used exclusively for brewing or winemaking or distilling purposes and not for resale, for forest cropland or for the production of poultry, poultry products, fish or mushroom farming, production of registered breeding stock for sale to farmers to improve their breeding herds, for the production of raw materials for pharmaceutical manufacture, chemical processing, food additives and related products, and not for resale;

(6) Agricultural land operated by a corporation for the purposes of alfalfa dehydration exclusively and only as to said lands lying within fifteen miles of a dehydrating plant, and provided further said crops raised thereon shall be used only for further processing and not for resale in its original form;

(7) Any interest, when acquired by an educational, religious, or charitable not-for-profit or pro forma corporation or association;

(8) Agricultural land or any interest therein acquired by a corporation other than a family farm corporation or authorized farm corporation, as defined in section 350.010, for immediate or potential use in nonfarming purposes. A corporation may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit, a family farm corporation or an authorized farm corporation, or except when controlled through ownership, options, leaseholds, or other

agreements by a corporation which has entered into an agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, 42 U.S.C. 3901-3914), as amended, or a subsidiary or assign of such a corporation;

(9) Agricultural lands acquired by a corporation by process of law or voluntary conveyance in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, that any corporation may hold for ten years real estate acquired in payment of a debt, by foreclosure or otherwise, and for such longer period as may be provided by law;

(10) The provisions of sections 350.010 to 350.030 shall not apply to the raising of hybrid hogs in connection with operations designed to improve the quality, characteristics, profitability, or marketability of hybrid hogs through selective breeding and genetic improvement where the primary purpose of such livestock raising is to produce hybrid hogs to be used by farmers and livestock raisers for the improvement of the quality of their herds;

(11) A bank or trust company acting as administrator or executor under the terms of a will or trustee under the terms of a testamentary or inter vivos trust created by the owner of a family farm, or an inter vivos or testamentary trust, the principal of which is shares of a family farm corporation or authorized farm corporation and which trust is created by a shareholder of the family farm corporation or authorized farm corporation. However, a bank or trust company acting in the administration of an investment trust or a management trust formed with the primary purpose of making or managing investments or income-producing property and purchasing agricultural real estate with trust funds with the primary benefits accruing to investors or shareholders in the trust is not exempt from the provisions of sections 350.010 to 350.030;

(12) Agricultural land that on June 1, 1998, was in compliance with section 350.016;

(13) **Agricultural land in compliance with section 350.017.**

350.017. AGRICULTURAL LAND IN USE AS OF SEPTEMBER 28, 2007, EXEMPT FROM CERTAIN RESTRICTIONS FOR PRODUCTION OF SWINE IN CERTAIN COUNTIES — NO EXPANSION PERMITTED. — 1. The restrictions under section 350.015 shall not apply to agricultural land in use as of September 28, 2007 by a corporation, limited liability company, or limited liability partnership for the production of swine or swine products located in:

(1) Any county of the third classification without a township form of government and with fewer than two thousand five hundred inhabitants;

(2) Any county of the third classification with a township form of government and with more than six thousand but fewer than seven thousand inhabitants and with a city of the fourth classification with more than one thousand seven hundred but fewer than one thousand nine hundred inhabitants as the county seat; or

(3) Any county of the third classification with a township form of government and with more than eight thousand but fewer than nine thousand inhabitants and with a city of the fourth classification with more than one thousand seven hundred but fewer than one thousand nine hundred inhabitants as the county seat.

2. No corporation, limited liability company, or limited liability partnership under subsection 1 of this section shall expand its operations on such agricultural land, including but not limited to the purchase of contiguous land or the construction of new buildings that house animals or expansion of existing buildings that house animals; however, nothing in this subsection shall prevent any such corporation, limited liability company, or limited liability partnership from repairing, maintaining or rebuilding any of its buildings or conducting activities required in order to meet state or federal laws.

537.850. CITATION OF LAW — DEFINITIONS. — 1. Sections 537.850 to 537.859 shall be known and may be cited as the "Agritourism Promotion Act".

2. As used in sections 537.850 to 537.859, the following terms shall mean:

- (1) "Agritourism activity", any activity which allows members of the general public for recreational, entertainment, or educational purposes to view or enjoy rural activities, including but not limited to farming activities, ranching activities, or historic, cultural, or natural attractions. An activity may be an agritourism activity whether or not the participant pays to participate in the activity. An activity is not an agritourism activity if the participant is paid to participate in the activity;
- (2) "Department", the state department of agriculture;
- (3) "Director", the director of the department of agriculture;
- (4) "Inherent risks of a registered agritourism activity", those dangers or conditions which are an integral part of such agritourism activity, including but not limited to certain hazards such as surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and ordinary dangers of structures or equipment ordinarily used in farming or ranching operations. Inherent risks of a registered agritourism activity also includes the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to follow instructions given by the registered agritourism operator or failing to exercise reasonable caution while engaging in the registered agritourism activity;
- (5) "Participant", any person who engages in a registered agritourism activity;
- (6) "Registered agritourism activity", any agritourism activity that is registered with the director of the department of agriculture as an AgriMissouri member under section 261.230, and any rules promulgated thereunder;
- (7) "Registered agritourism location", a specific parcel of land which is registered with the director of the department of agriculture under section 261.230, and any rules promulgated thereunder, and where a registered agritourism operator engages in registered agritourism activities;
- (8) "Registered agritourism operator", any person who is engaged in the business of providing one or more agritourism activities and is registered with the director of the department of agriculture as an AgriMissouri member under section 261.230, and any rules promulgated thereunder.

537.856. SIGNAGE REQUIRED — CONTRACT WARNING NOTICE AND LANGUAGE, CONTENTS — WRITTEN DESCRIPTION OF ACTIVITY REQUIRED, WHEN. — 1. At every registered agritourism location, the registered agritourism operator shall post and maintain signage which contains the warning notice specified in subsection 3 of this section. The requirements of this section shall be deemed satisfied if such signage is placed in a clearly visible location at or near the registered agritourism location. The warning notice shall appear on the sign in black letters, with each letter to be at least one inch in height.

2. Every written contract entered into by a registered agritourism operator for the providing of a registered agritourism activity shall contain in clearly readable print the warning notice and language specified in subsection 3 of this section.

3. The required signage under this section shall contain the following warning notice:

"WARNING: Under Missouri law, there is no liability for an injury or death of a participant in a registered agritourism activity conducted at this registered agritourism location if such injury or death results from the inherent risks of such agritourism activity. Inherent risks of agritourism activities include, but are not limited to, the potential of you as a participant to act in a negligent manner that may contribute to your injury or death and the potential of another participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this registered agritourism activity."

4. Upon request, the registered agritourism operator shall provide to any participant a written description of the registered agritourism activity, as set forth in the registration under subdivision (6) of subsection 2 of section 537.850 for which sections 537.850 to 537.859 limit the registered agritourism operator's liability at the registered agritourism location.

537.859. IMMUNITY FROM LIABILITY, WHEN — AFFIRMATIVE DEFENSE. — 1. Except as provided in subsection 2 of this section, a registered agritourism operator is not liable for injury to or death of a participant resulting from the inherent risks of agritourism activities so long as the warning contained in section 537.856 is posted as required and, except as provided in subsection 2 of this section, no participant or participant's representative shall maintain an action against or recover from a registered agritourism operator for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities.

2. Nothing in sections 537.850 to 537.859 shall prevent or limit the liability of a registered agritourism operator if the registered agritourism operator:

- (1) Injures the participant by willful or wanton conduct;
- (2) Has actual knowledge or should have known of a dangerous condition in the facilities or equipment used in the registered agritourism activity and does not make such dangerous condition known to a participant and such dangerous condition causes the participant to sustain injuries; or
- (3) Fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances.

3. In any action for damages for personal injury, death, or property damage arising from the operation of a registered tourism activity in which an owner or operator is named as a defendant, it shall be an affirmative defense to that liability that:

- (1) The injured person assumed the risk;
- (2) The injured person deliberately disregarded conspicuously posted signs, verbal instructions, or other warnings regarding safety measures during the activity; or
- (3) Any equipment, animals, or appliance used by the injured person during the activity were used in a manner or for a purpose other than that for which a reasonable person should have known they were intended.

578.005. DEFINITIONS. — As used in sections 578.005 to 578.023, the following terms shall mean:

- (1) "Adequate care", normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;
- (2) "Adequate control", to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property;
- (3) "Animal", every living vertebrate except a human being;
- (4) "Animal shelter", a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of animals;
- (5) "Farm animal", an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber;
- (6) **"Farm animal professional", any individual employed at a location where farm animals are harbored;**
- (7) "Harbor", to feed or shelter an animal at the same location for three or more consecutive days;

[(7)] **(8)** "Humane killing", the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed;

[(8)] **(9)** "Owner", in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal;

[(9)] **(10)** "Person", any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

[(10)] **(11)** "Pests", birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri.

578.013. RECORDINGS OF FARM ANIMALS ALLEGED TO BE ABUSED OR NEGLECTED, SUBMISSION TO LAW ENFORCEMENT REQUIRED — VIOLATION, PENALTY. — 1. Whenever any farm animal professional videotapes or otherwise makes a digital recording of what he or she believes to depict a farm animal subjected to abuse or neglect under sections 578.009 or 578.012, such farm animal professional shall have a duty to submit such videotape or digital recording to a law enforcement agency within twenty-four hours of the recording.

2. No videotape or digital recording submitted under subsection 1 of this section shall be spliced, edited, or manipulated in any way prior to its submission.

3. An intentional violation of any provision of this section is a class A misdemeanor.

SECTION 1. EXHIBITION OF LIVESTOCK AT FAIRS AND EXPOSITIONS IN THIS STATE, ALL 4-H AND FFA MEMBERS PERMITTED TO PARTICIPATE — RULES AND FEES PERMITTED. — The governing body of all national, state, and local fairs and expositions conducted in this state which include the exhibition of livestock shall permit all qualifying 4-H and Future Farmers of America (FFA) members to exhibit livestock at such fair or expos,s. The governing body of each national, state, and local fair or exposition shall have the authority to establish rules and fees for participation in its individual events.

SECTION 2. EXHIBITION OF LIVESTOCK OR DOMESTIC ANIMALS AT FAIRS, EXPOSITIONS, AND PET SHOWS, ALL LIVESTOCK BREEDERS AND DOMESTIC ANIMAL OWNERS PERMITTED TO PARTICIPATE — RULES AND FEES PERMITTED. — The governing body of all national, state, and local fairs, expositions, and pet shows conducted in this state which include the exhibition of livestock or domestic animals shall permit all livestock breeders and domestic animal owners to exhibit livestock and domestic animals at such fair, exposition, or pet show. The governing body of each national, state, and local fair, exposition, or pet show shall have the authority to establish rules and fees for participation in its individual events.

Approved July 9, 2012

SB 636 [CCS HCS SB 636]

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 judiciary

AN ACT to repeal sections 32.056, 67.320, 70.441, 211.031, 217.670, 400.9-311, 456.950, 476.055, 479.040, 483.015, 508.050, and 523.010, RSMo, and to enact in lieu thereof thirteen new sections relating to the judiciary, with penalty provisions.

SECTION

- A. Enacting clause.
- 21.771. Joint committee established, members, duties, meetings — expiration date.
- 32.056. Confidentiality of motor vehicle or driver registration records of county, state or federal parole officers, federal pretrial officers, or members of the state or federal judiciary.
- 67.320. County orders, violations may be brought in circuit court, when — county municipal court to be approved, appointment of judges, procedures (Jefferson and Franklin counties).
- 70.441. Definitions — provisions to apply in interpreting this section — prohibited acts — violation of section, penalty — subsequent violations, penalty — juvenile offenders, jurisdiction — stalled vehicles, removal.
- 211.031. Juvenile court to have exclusive jurisdiction, when — exceptions — home schooling, attendance violations, how treated.
- 217.670. Decisions to be by majority vote — hearing panel, membership, duties — jurisdiction removal or appeal to board, when — decision to be final — closed meetings authorized — video conferencing.
- 400.9-311. Perfection of security interests in property subject to certain statutes, regulations, and treaties.
- 456.950. Definition — property and interests in property, how held — death of settlor, effect of — marital property rights, effect on.
- 476.055. Statewide court automation fund created, administration, committee, members — powers, duties, limitation — unauthorized release of information, penalty — report, committee, costs — expiration date.
- 479.040. Cities may elect where violations of municipal ordinances may be heard.
- 483.015. Election — term of office — commission exceptions, Jackson County court administrator to be clerk, St. Louis County circuit clerk, how selected — circuit clerk of sixth, seventh, and twenty-second judicial circuits, how selected.
- 508.050. Suits against municipal corporations, where commenced.
- 523.010. Lands may be condemned, when — petition — parties — power of public utility to condemn certain lands, limitation.

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

SECTION A. ENACTING CLAUSE. — Sections 32.056, 67.320, 70.441, 211.031, 217.670, 400.9-311, 456.950, 476.055, 479.040, 483.015, 508.050, and 523.010, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 21.771, 32.056, 67.320, 70.441, 211.031, 217.670, 400.9-311, 456.950, 476.055, 479.040, 483.015, 508.050, and 523.010, 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 decisionmaking 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; and

(6) Make any other recommendation to the general assembly necessary to provide adequate protections for the children of our state.

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.

32.056. CONFIDENTIALITY OF MOTOR VEHICLE OR DRIVER REGISTRATION RECORDS OF COUNTY, STATE OR FEDERAL PAROLE OFFICERS, FEDERAL PRETRIAL OFFICERS, OR MEMBERS OF THE STATE OR FEDERAL JUDICIARY. — Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department of revenue shall not release the home address of or any [other] information [contained in the department's motor vehicle or driver registration records regarding] that identifies any vehicle owned or leased by any person who is a county, state or federal parole officer [or who is], a federal pretrial officer [or who is], a peace officer pursuant to section [590.100] 590.010, a person vested by article V, section 1 of the Missouri Constitution with the judicial power of the state, a member of the federal judiciary, or a member of [the parole officer's, pretrial officer's or peace officer's] such person's immediate family contained in the department's motor vehicle or driver registration records, based on a specific request for such information from any person. Any such person [who is a county, state or federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to section 590.100] may notify the department of [such] his or her status and the department shall protect the confidentiality of the home address and vehicle records on such a person and his or her immediate family as required by this section. If such member of the judiciary's status changes and he or she and his or her immediate family do not qualify for the exemption contained in this subsection, such person shall notify the department and the department's records shall be revised. This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

67.320. COUNTY ORDERS, VIOLATIONS MAY BE BROUGHT IN CIRCUIT COURT, WHEN — COUNTY MUNICIPAL COURT TO BE APPROVED, APPOINTMENT OF JUDGES, PROCEDURES (JEFFERSON AND FRANKLIN COUNTIES). — 1. Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two

hundred inhabitants **or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants** may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. **Except as provided in subsection 5 of this section** in any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with the term order for purposes of this section.

5. **In any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, the first judges shall be appointed by the county commission for a term of four years, and thereafter the judges shall be elected for a term of four years. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.**

70.441. DEFINITIONS — PROVISIONS TO APPLY IN INTERPRETING THIS SECTION — PROHIBITED ACTS — VIOLATION OF SECTION, PENALTY — SUBSEQUENT VIOLATIONS, PENALTY — JUVENILE OFFENDERS, JURISDICTION — STALLED VEHICLES, REMOVAL. — 1. As used in this section, the following terms have the following meanings:

- (1) "Agency", the bi-state development agency created by compact under section 70.370;
- (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or train, locomotive, or other vehicle used or held for use by the agency as a means of transportation of passengers;
- (3) "Facilities" includes all property and equipment, including, without limitation, rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices, parking lots and other real estate or personal property used or held for or incidental to the operation, rehabilitation or improvement of any public mass transportation system of the agency;
- (4) "Person", any individual, firm, copartnership, corporation, association or company; and
- (5) "Sound production device" includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device and any sound amplifier.

2. In interpreting or applying this section, the following provisions shall apply:

- (1) Any act otherwise prohibited by this section is lawful if specifically authorized by agreement, permit, license or other writing duly signed by an authorized officer of the agency or if performed by an officer, employee or designated agent of the agency acting within the scope of his or her employment or agency;

(2) Rules shall apply with equal force to any person assisting, aiding or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting another in the avoidance of any of the requirements of the rules; and

(3) The singular shall mean and include the plural; the masculine gender shall mean the feminine and the neuter genders; and vice versa.

3. (1) No person shall use or enter upon the light rail conveyances of the agency without payment of the fare or other lawful charges established by the agency. Any person on any such conveyance must have properly validated fare media in his possession. This ticket must be valid to or from the station the passenger is using, and must have been used for entry for the trip then being taken;

(2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare media to gain entry to the facilities or conveyances of, or make use of the services of, the agency, except as provided, authorized or sold by the agency and in accordance with any restriction on the use thereof imposed by the agency;

(3) No person shall enter upon parking lots designated by the agency as requiring payment to enter, either by electronic gate or parking meters, where the cost of such parking fee is visibly displayed at each location, without payment of such fees or other lawful charges established by the agency;

(4) Except for employees of the agency acting within the scope of their employment, no person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass, badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to or use of the facilities, conveyances or services of the agency without the written permission of an authorized representative of the agency;

(5) No person shall put or attempt to put any paper, article, instrument or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare media issued by the agency and valid for the place, time and manner in which used, into any fare box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection instrument, receptacle, device, machine or location;

(6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with this section shall be confiscated;

(7) No person may perform any act which would interfere with the provision of transit service or obstruct the flow of traffic on facilities or conveyances or which would in any way interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances of the agency;

(8) All persons on or in any facility or conveyance of the agency shall:

(a) Comply with all lawful orders and directives of any agency employee acting within the scope of his employment;

(b) Obey any instructions on notices or signs duly posted on any agency facility or conveyance; and

(c) Provide accurate, complete and true information or documents requested by agency personnel acting within the scope of their employment and otherwise in accordance with law;

(9) No person shall falsely represent himself or herself as an agent, employee or representative of the agency;

(10) No person on or in any facility or conveyance shall:

(a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or unsanitary condition, including, but not limited to, spitting and urinating, except in facilities provided;

(b) Drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants;

(c) Enter or remain in any facility or conveyance while his ability to function safely in the environment of the agency transit system is impaired by the consumption of alcohol or by the taking of any drug;

(d) Loiter or stay on any facility of the agency;

(e) Consume foods or liquids of any kind, except in those areas specifically authorized by the agency;

(f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except in those areas or locations specifically authorized by the agency; or

(g) Throw or cause to be propelled any stone, projectile or other article at, from, upon or in a facility or conveyance;

(11) No weapon or other instrument intended for use as a weapon may be carried in or on any facility or conveyance, except for law enforcement personnel. For the purposes hereof, a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with metal, wood impregnated with metal filings or razor blades; except that this subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed case, box or other container which completely conceals the item from view and identification as a weapon;

(12) No explosives, flammable liquids, acids, fireworks or other highly combustible materials or radioactive materials may be carried on or in any facility or conveyance, except as authorized by the agency;

(13) No person, except as specifically authorized by the agency, shall enter or attempt to enter into any area not open to the public, including, but not limited to, motorman's cabs, conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment;

(14) No person may ride on the roof, the platform between rapid transit cars, or on any other area outside any rapid transit car or bus or other conveyance operated by the agency;

(15) No person shall extend his hand, arm, leg, head or other part of his or her person or extend any item, article or other substance outside of the window or door of a moving rapid transit car, bus or other conveyance operated by the agency;

(16) No person shall enter or leave a rapid transit car, bus or other conveyance operated by the agency except through the entrances and exits provided for that purpose;

(17) No animals may be taken on or into any conveyance or facility except the following:

(a) An animal enclosed in a container, accompanied by the passenger and carried in a manner which does not annoy other passengers; and

(b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs accompanying trainers carrying a certificate of identification issued by a dog school;

(18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights or safety of others or without due caution and circumspection, or at a speed in such a manner as to be likely to endanger persons or property on facilities of the agency. The speed limit on parking lots and access roads shall be posted as fifteen miles per hour unless otherwise designated.

4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any violation of this section shall constitute a misdemeanor, and any person committing a violation thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall pay a fine in an amount not less than twenty-five dollars and no greater than two hundred fifty dollars per violation, in addition to court costs. Any default in the payment of a fine imposed pursuant to this section without good cause shall result in imprisonment for not more than thirty days;

(2) Unless a greater penalty is provided by the laws of the state, any person convicted a second or subsequent time for the same offense under this section shall be guilty of a

misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such fine and imprisonment;

(3) Any person failing to pay the proper fare, fee or other charge for use of the facilities and conveyances of the agency shall be subject to payment of such charge as part of the judgment against the violator. All proceeds from judgments for unpaid fares or charges shall be directed to the appropriate agency official;

(4) All juvenile offenders violating the provisions of this section shall be subject to the jurisdiction of the juvenile court as provided in chapter 211;

(5) As used in this section, the term "conviction" shall include all pleas of guilty and findings of guilt.

5. Any person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of the bi-state development agency, as described in subdivision (3) of subsection 4 of this section, may, in addition to the unpaid fares or charges and any fines, penalties, or sentences imposed by law, be required to reimburse costs attributable to the enforcement, investigation, and prosecution of such offense by the bi-state development agency. The court shall direct the reimbursement proceeds to the appropriate agency official.

6. (1) Stalled or disabled vehicles may be removed from the roadways of the agency property by the agency and parked or stored elsewhere at the risk and expense of the owner;

(2) Motor vehicles which are left unattended or abandoned on the property of the agency for a period of over seventy-two hours may be removed as provided for in section 304.155, except that the removal may be authorized by personnel designated by the agency under section 70.378.

211.031. JUVENILE COURT TO HAVE EXCLUSIVE JURISDICTION, WHEN — EXCEPTIONS — HOME SCHOOLING, ATTENDANCE VIOLATIONS, HOW TREATED. — 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; or

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130;

(d) The child or person seventeen years of age is a child in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child or person seventeen years of age to the guardianship of the department of social services as provided by law; and

(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than seventeen years of age.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person seventeen years of age who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child or person seventeen years of age may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person seventeen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child or person seventeen years of age under the supervision of another juvenile court within or without the state pursuant to section 210.570 with the consent of the receiving court;

(5) Upon motion of any child or person seventeen years of age or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court Rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or person seventeen years of age, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age, the juvenile court of the county of the child's residence or the residence of a person seventeen years of age shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031 involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031 before making a report of such a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides.

5. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care or for the removal of custody of a child from the parent without a specific showing that there is a causal relation between the disability or disease and harm to the child.

217.670. DECISIONS TO BE BY MAJORITY VOTE — HEARING PANEL, MEMBERSHIP, DUTIES — JURISDICTION REMOVAL OR APPEAL TO BOARD, WHEN — DECISION TO BE FINAL — CLOSED MEETINGS AUTHORIZED — VIDEO CONFERENCING. — 1. The board shall adopt an official seal of which the courts shall take official notice.

2. Decisions of the board regarding granting of paroles, extensions of a conditional release date or revocations of a parole or conditional release shall be by a majority vote of the hearing panel members. The hearing panel shall consist of one member of the board and two hearing officers appointed by the board. A member of the board may remove the case from the jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional release, the offender may appeal the decision of the hearing panel to the board. The board shall consider the appeal within thirty days of receipt of the appeal. The decision of the board shall be by majority vote of the board members and shall be final.

3. The orders of the board shall not be reviewable except as to compliance with the terms of sections 217.650 to 217.810 or any rules promulgated pursuant to such section.

4. The board shall keep a record of its acts and shall notify each correctional center of its decisions relating to persons who are or have been confined in such correctional center.

5. Notwithstanding any other provision of law, any meeting, record, or vote, of proceedings involving probation, parole, or pardon, may be a closed meeting, closed record, or closed vote.

6. Notwithstanding any other provision of law, when the appearance or presence of an offender before the board or a hearing panel is required for the purpose of deciding whether to grant conditional release or parole, extend the date of conditional release, revoke parole or conditional release, or for any other purpose, such appearance or presence may occur by means of a videoconference at the discretion of the board. Victims having a right to attend parole hearings may testify either at the site where the board is conducting the videoconference or at the institution where the offender is located. The use of videoconferencing in this section shall be at the discretion of the board, and shall not be utilized if either the offender, the victim or the victim's family objects to it.

400.9-311. PERFECTION OF SECURITY INTERESTS IN PROPERTY SUBJECT TO CERTAIN STATUTES, REGULATIONS, AND TREATIES. — (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt section 400.9-310(a);

(2) Sections 301.600 to 301.661, section 700.350, and section 400.2A-304; or

(3) A certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection (d) and sections 400.9-313 and 400.9-316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subsection (d) and section 400.9-316(d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this article.

(d) During any period in which collateral is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling [or leasing] goods of that kind, this section does not apply to a security interest in that collateral created by that person [as debtor].

456.950. DEFINITION — PROPERTY AND INTERESTS IN PROPERTY, HOW HELD — DEATH OF SETTLOR, EFFECT OF — MARITAL PROPERTY RIGHTS, EFFECT ON. — 1. As used in this section, "qualified spousal trust" means a trust:

(1) The settlors of which are husband and wife at the time of the creation of the trust; and

(2) The terms of which provide that during the joint lives of the settlors all property or interests in property transferred to, or held by, the trustee are [either]:

(a) Held and administered in one trust for the benefit of both settlors, revocable by either or both settlors acting together while either or both are alive, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or

(b) Held and administered in two separate shares of one trust for the benefit of each of the settlors, with the trust revocable by each settlor with respect to that settlor's separate share of that trust without the participation or consent of the other settlor, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from that settlor's separate share for that settlor's life; **or**

(c) Held and administered under the terms and conditions contained in paragraphs (a) and (b) of this subdivision.

2. A qualified spousal trust may contain any other trust terms that are not inconsistent with the provisions of this section.

3. Property or interests in property held as tenants by the entirety by a husband and wife that is at any time transferred to the trustee of a qualified spousal trust of which the husband and wife are the settlors shall be held and administered as provided by the trust terms in accordance with [either] paragraph (a) [or], (b), **or** (c) of subdivision (2) of subsection 1 of this section, and all such property and interests in property, including the proceeds thereof, the income thereon, and any property into which such property, proceeds, or income may be converted, shall

thereafter have the same immunity from the claims of the separate creditors of the settlors as would have existed if the settlors had continued to hold that property as husband and wife as tenants by the entirety, so long as:

(1) Both settlors are alive and remain married; and
(2) The property, proceeds, or income continue to be held in trust by the trustee of the qualified spousal trust.

4. Property or interests in property held by a husband and wife or held in the sole name of a husband or wife that is not held as tenants by the entirety and is transferred to a qualified spousal trust shall be held as directed in the qualified spousal trust's governing instrument or in the instrument of transfer and the rights of any claimant to any interest in that property shall not be affected by this section.

5. Upon the death of each settlor, all property and interests in property held by the trustee of the qualified spousal trust shall be distributed as directed by the then current terms of the governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior to death the predeceased settlor's interest in the qualified spousal trust was then held in such settlor's separate share, the property or interests in property in such settlor's separate share may pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the governing instrument shall direct, including without limitation a spendthrift provision as provided in section 456.5-502.

6. No transfer by a husband and wife as settlors to a qualified spousal trust shall affect or change either settlor's marital property rights to the transferred property or interest therein immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless both spouses otherwise expressly agree in writing.

7. This section shall apply to all trusts which fulfill the criteria set forth in this section for a qualified spousal trust regardless of whether such trust was created before or after August 28, 2011.

476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT, COMMITTEE, COSTS — EXPIRATION DATE. — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, [2013] **2015**, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other

jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class D felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with the joint legislative committee on court automation. Such committee shall consist of the following:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee;
- (4) The chair of the senate judiciary committee;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

9. Section 488.027 shall expire on September 1, [2013] **2015**. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, [2015] **2017**.

10. This section shall expire on September 1, [2015] **2017**.

479.040. CITIES MAY ELECT WHERE VIOLATIONS OF MUNICIPAL ORDINANCES MAY BE HEARD. — 1. **(1)** Any city, town or village with a population of less than four hundred thousand may elect to have the violations of its municipal ordinances heard and determined by an associate circuit judge of the circuit in which the city, town or village, or the major geographical portion thereof, is located; provided, however, if such election is made, all violations of that municipality's ordinances shall be heard and determined before an associate circuit judge or judges. If a municipality has elected to have the violations of its municipal ordinances heard and determined by an associate circuit judge, the municipality may thereafter elect to provide for a municipal judge or judges to hear such cases; provided, however, if such later election is made, all violations of that municipality's ordinances shall be heard and determined before a municipal judge. Nothing in this subsection shall preclude the transfer or assignment of another judge to hear and determine a case or class of cases when otherwise authorized by provisions of the

constitution, law, or court rule. Nothing in this section shall preclude an election made under the provisions of subsection 4 of this section.

(2) In lieu of electing to have all violations of municipal ordinances heard and determined before an associate circuit court or a county municipal court, a city, town, or village may, under subdivision (1) of this subsection, elect to have such court only hear and determine those violations of its municipal ordinances as may be designated on the information by the prosecutor as involving an accused with special needs due to mental disorder or mental illness, as defined by section 630.005, or whose special needs, circumstances, and charges cannot be adequately accommodated by the municipal court of the city, town, or village, provided that the associate circuit court or county municipal court has established specialized dockets or courts to provide such adequate accommodations and resources for specifically handling such matters, such as a mental health court, housing court, domestic violence court, family court, or DWI court, and such associate circuit court or county municipal court accepts such election by consent of the presiding judge or by county contract, as applicable, and further provided that upon a determination by the court that the accused does not have such special needs, the matter shall be transferred back to the municipal court.

2. If, after January 1, 1980, a municipality elects to have the violations of its municipal ordinances heard and determined by an associate circuit judge, the associate circuit judge or judges shall commence hearing and determining such violations six months after the municipality notifies the presiding judge of the circuit of its election. With the consent of the presiding judge, the associate circuit judge or judges may commence hearing such violations at an earlier date.

3. Associate circuit judges of the circuit in which the municipality, or major geographical portion thereof, is located shall hear and determine violations of municipal ordinances of any municipality with a population of under four hundred thousand for which a municipal judge is not provided.

4. Any city, town or village with a population of less than four hundred thousand located in a county which has created a county municipal court under the provisions of section 66.010 may elect to enter into a contract with the county to have violations of municipal ordinances prosecuted, heard, and determined in the county municipal court. If a contract is entered into under the provisions of this subsection, all violations of that municipality's ordinances shall be heard and determined in the county municipal court. The contract may provide for a transition period after an election is made under the provisions of this subsection.

483.015. ELECTION — TERM OF OFFICE — COMMISSION EXCEPTIONS, JACKSON COUNTY COURT ADMINISTRATOR TO BE CLERK, ST. LOUIS COUNTY CIRCUIT CLERK, HOW SELECTED — CIRCUIT CLERK OF SIXTH, SEVENTH, AND TWENTY-SECOND JUDICIAL CIRCUITS, HOW SELECTED. — 1. At the general election in the year 1982, and every four years thereafter, except as herein provided and except as otherwise provided by law, circuit clerks shall be elected by the qualified voters of each county [and of the city of St. Louis], who shall be commissioned by the governor, and shall enter upon the discharge of their duties on the first day in January next ensuing their election, and shall hold their offices for the term of four years, and until their successors shall be duly elected and qualified, unless sooner removed from office.

2. The court administrator for Jackson County provided by the charter of Jackson County shall be selected as provided in the county charter and shall exercise all of the powers and duties of the circuit clerk of Jackson County. The director of judicial administration and the circuit clerk of St. Louis County shall be selected as provided in the charter of St. Louis County.

3. When provision is made in a county charter for the appointment of a court administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk, such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to be elected. The persons appointed to fill any such appointive positions shall be paid by the counties as provided

by the county charter or ordinance; provided, however, that if provision is now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state shall pay over to the county a sum which is equivalent to the salary that would be payable by law by the state to an elected circuit clerk in such county if such charter provision was not in effect. The sum shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.

4. The circuit clerk in the sixth judicial circuit and in the seventh judicial circuit shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The circuit clerk in those circuits shall be removable for cause by a majority of the circuit judges and associate circuit judges of such circuit, en banc, in accordance with supreme court administrative rules governing court personnel. This subsection shall become effective on January 1, 2004, and the elected circuit clerks in those circuits in office at that time shall continue to hold such office for the remainder of their elected terms as if they had been appointed pursuant to the terms of this subsection.

5. The circuit clerk in the twenty-second judicial circuit shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The circuit clerk in such circuit shall be removable for cause by a majority of the circuit judges and associate circuit judges of such circuit, en banc, in accordance with supreme court administrative rules governing court personnel. The elected circuit clerk in such circuit in office on the effective date of this section shall continue to hold such office for the remainder of his or her elected term.

508.050. SUITS AGAINST MUNICIPAL CORPORATIONS, WHERE COMMENCED. — Suits against municipal corporations as defendant or codefendant shall be commenced only in the county in which the municipal corporation is situated, or if the municipal corporation is situated in more than one county, then suits against the municipal corporation shall be commenced only in that county wherein the seat of government of the municipal corporation is situated; except that:

(1) Suits may be brought against a city containing more than four hundred thousand inhabitants in any county in which any part of the city is situated; and

(2) **Suits in inverse condemnation or involving dangerous conditions of public property against a municipal corporation established under article VI, section 30(a) of the Missouri Constitution shall be brought only in the county where such land or any part thereof lies.**

523.010. LANDS MAY BE CONDEMNED, WHEN — PETITION — PARTIES — POWER OF PUBLIC UTILITY TO CONDEMN CERTAIN LANDS, LIMITATION. — 1. In case land, or other property, is sought to be appropriated by any road, railroad, street railway, telephone, telegraph or any electrical corporation organized for the manufacture or transmission of electric current for light, heat or power, including the construction, when that is the case, of necessary dams and appurtenant canals, flumes, tunnels and tailraces and including the erection, when that is the case, of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations or any oil, pipeline or gas corporation engaged in the business of transporting or carrying oil, liquid fertilizer solutions, or gas by means of pipes or pipelines laid underneath the surface of the ground, or other corporation created under the laws of this state for public use, and such corporation and the owners cannot agree upon the proper compensation to be paid, or in the case the owner is incapable of contracting, be unknown, or be a nonresident of the state, such corporation may apply to the circuit court of the county of this state where such land or any part thereof lies by petition setting forth the general directions in which it is desired to construct its road, railroad, street railway, telephone, or telegraph line or electric line, including, when that is the case, the construction and maintenance of necessary dams and appurtenant canals, tunnels, flumes and tailraces and, when that is the case, the appropriation of land submerged by the

construction of such dam, and including the erection and maintenance, when that is the case, of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline, liquid fertilizer solution pipeline, or gas line over or underneath the surface of such lands, a description of the real estate, or other property, which the company seeks to acquire; the names of the owners thereof, if known; or if unknown, a pertinent description of the property whose owners are unknown and praying the appointment of three disinterested residents of the county, as commissioners, or a jury, to assess the damages which such owners may severally sustain in consequence of the establishment, erection and maintenance of such road, railroad, street railway, telephone, telegraph line, or electrical line including damages from the construction and maintenance of necessary dams and the condemnation of land submerged thereby, and the construction and maintenance of appurtenant canals, flumes, tunnels and tailraces and the erection and maintenance of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline, or gas line over or underneath the surface of such lands; to which petition the owners of any or all as the plaintiff may elect of such parcels as lie within the county or circuit may be made parties defendant by names if the names are known, and by the description of the unknown owners of the land therein described if their names are unknown.

2. If the proceedings seek to affect the lands of persons under conservatorship, the conservators must be made parties defendant. If the present owner of any land to be affected has less estate than a fee, the person having the next vested estate in remainder may at the option of the petitioners be made party defendant; but if such remaindermen are not made parties, their interest shall not be bound by the proceedings.

3. It shall not be necessary to make any persons party defendants in respect to their ownership unless they are either in actual possession of the premises to be affected claiming title or having a title of the premises appearing of record upon the proper records of the county.

4. Except as provided in subsection 5 of this section, nothing in this chapter shall be construed to give a public utility, as defined in section 386.020, or a rural electric cooperative, as provided in chapter 394, the power to condemn property which is currently used by another provider of public utility service, including a municipality or a special purpose district, when such property is used or useful in providing utility services, if the public utility or cooperative seeking to condemn such property, directly or indirectly, will use or proposes to use the property for the same purpose, or a purpose substantially similar to the purpose [that] **for which** the property is being used by the provider of the public utility service.

5. A public utility or a rural electric cooperative may only condemn the property of another provider of public utility service, even if the property is used or useful in providing utility services by such provider, if the condemnation is necessary for the public purpose of acquiring a nonexclusive easement or right-of-way across the property of such provider and only if the acquisition will not materially impair or interfere with the current use of such property by the utility or cooperative and will not prevent or materially impair such provider of public utility service from any future expansion of its facilities on such property.

6. If a public utility or rural electric cooperative seeks to condemn the property of another provider of public utility service, and the conditions in subsection 4 of this section do not apply, this section does not limit the condemnation powers otherwise possessed by such public utility or rural electric cooperative.

7. Suits in inverse condemnation or involving dangerous conditions of public property against a municipal corporation established under article VI, section 30(a) of the Missouri Constitution shall be brought only in the county where such land or any part thereof lies.

Approved July 12, 2012

SB 665 [CCS SS SB 665]

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

Authorizes the Governor to transfer certain pieces of real estate located throughout the state of Missouri to the State Highways and Transportation Commission

AN ACT to repeal sections 72.401 and 177.011, RSMo, and to enact in lieu thereof fifteen new sections relating to the regulation of real property, with an emergency clause for a certain section.

SECTION

A. Enacting clause.

72.401. Law to be exclusive for boundary changes if commission established (St. Louis County) — procedure for boundary change — prior commission abolished — commission members, qualifications, appointment, vacancies — notice of ordinance establishing commission — list of appointees — terms — succession — conflict of interest — boundary adjustment not subject to commission review and not prohibited by existence of established unincorporated area, when.

177.011. Title and control of school property — inapplicability to community college districts.

1. Conveyance of state property located in the City of Frankford to the State Highways and Transportation Commission.
 2. Conveyance of state property located in the City of Macon to the State Highways and Transportation Commission.
 3. Conveyance of state property located in the City of Maysville to the State Highways and Transportation Commission.
 4. Conveyance of state property located in the City of Blue Springs to the State Highways and Transportation Commission.
 5. Conveyance of state property located in the City of Holden to the State Highways and Transportation Commission.
 6. Conveyance of state property located in the City of Willow Springs to the State Highways and Transportation Commission.
 7. Conveyance of state property located in the City of Wasola to the State Highways and Transportation Commission.
 8. Conveyance of state property located in the City of Buffalo to the State Highways and Transportation Commission.
 9. Conveyance of state property located in Appleton City to the State Highways and Transportation Commission.
 10. Conveyance of state property located in the City of Mehlville to the State Highways and Transportation Commission.
 11. Conveyance of state property located in the City of Rich Hill to the State Highways and Transportation Commission.
 12. Vacates and grants an easement to the City of Sedalia for a fire station and entrance.
 13. Vacates and easement located near the Choteau State Owned Office Building in the City of St. Louis.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 72.401 and 177.011, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 72.401, 177.011, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, to read as follows:

72.401. LAW TO BE EXCLUSIVE FOR BOUNDARY CHANGES IF COMMISSION ESTABLISHED (ST. LOUIS COUNTY) — PROCEDURE FOR BOUNDARY CHANGE — PRIOR COMMISSION ABOLISHED — COMMISSION MEMBERS, QUALIFICATIONS, APPOINTMENT, VACANCIES — NOTICE OF ORDINANCE ESTABLISHING COMMISSION — LIST OF APPOINTEES — TERMS — SUCCESSION — CONFLICT OF INTEREST — BOUNDARY ADJUSTMENT NOT SUBJECT TO COMMISSION REVIEW AND NOT PROHIBITED BY EXISTENCE OF ESTABLISHED UNINCORPORATED AREA, WHEN. — 1. If a commission has been established pursuant to

section 72.400 in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two

for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498 and to the requirements for open meetings and records under chapter 610.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, **and any voluntary annexation approved by municipal ordinance provided that the municipality owns the area to be annexed, that the area is contiguous with the municipality, and that the area is utilized only for parks and recreation purposes**, shall not be subject to commission review. Such a boundary adjustment **or annexation** is not prohibited by the existence of an established unincorporated area.

177.011. TITLE AND CONTROL OF SCHOOL PROPERTY — INAPPLICABILITY TO COMMUNITY COLLEGE DISTRICTS. — 1. The title of all schoolhouse sites and other school property is vested in the district in which the property is located, or if the directors of both school districts involved agree, a school district may own property outside of the boundaries of the district and operate upon such property for school purposes; provided that, such property may only be used for school purposes for students residing in the school district owning such property or students who are enrolled in such school district as part of a court-ordered desegregation plan. All property leased or rented for school purposes shall be wholly under the control of the school board during such time. No board shall lease or rent any building for school purposes while the district schoolhouse is unoccupied, and no schoolhouse or school site shall be abandoned or sold until another site and house are provided for the school district.

2. Notwithstanding the provisions of section 178.770, the provisions of this section shall not apply to community college districts. Nothing in this subsection shall be construed to impair the duty and authority of the coordinating board for higher education to approve academic programs under section 173.005.

SECTION 1. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF FRANKFORD TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in the City of Frankford, Pike County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract 1

All of an irregular strip of ground lying adjacent to the West Right of Way line of a State Highway known as Route #9 Section 257-D Pike County, Missouri. Said strip of land being located in a part of the NE¼ Section 2 (T. 54 N.R. 4 W.) Pike County, Missouri and is more fully described as follows:

Beginning at a point measured South along the West line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 2 a distance of 684 feet from the Northwest corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, said point lying westerly and opposite Station 868+50 on the Centerline of said Route #9 Section 257-D and which point is 120 feet measured South from the center of a public road known as the Frankford to Louisiana public road. Thence run South along the middle line of said NE $\frac{1}{4}$ Section 2 a distance of 1124 feet to the South line of the property of said J.O. Smith which point is approximately 832 feet measured in a North direction along the middle line of the said NE $\frac{1}{4}$ Section 2 from the SW corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 2. Thence run East on a line parallel to the North line of said Section 2 to intersect the West Right of Way Line of said State Highway known as Route #9 Section 257-D Pike County, Missouri. Thence run in a Northerly and Westerly direction with the West Right of Way line of said State Highway known as Route #9 Section 257-D Pike County, Missouri, as located by the Engineers of the State Highway Department of Missouri a distance of 1287 feet to the point of beginning.

Herein above described tract of land contains 7.1 acres more or less.

Tract 2

A certain strip of Right of Way for a State Highway which lies on the right and left sides and adjacent to the centerline of a certain set of road plans known as Route 9 Pike County, Missouri and which land is located in a part of NE $\frac{1}{4}$ Section 2 (T. 54 N. R. 4 W.) and is more particularly described as follows:

Beginning at a point approximately 690 feet south of the NW corner of NE $\frac{1}{4}$ NE $\frac{1}{4}$ said section 2. Thence South 29 deg. 24 Min. E. a distance of 465.5 feet. Thence on the arc of a curve to the right in a southeasterly direction whose radius is 915.4 feet a distance of 664.4 feet. Thence south 10 deg. 28 Min. West 60 feet, thence on the arc of a curve to the left in a southerly direction whose radius is 1313.6 feet a distance of 80 feet to intersect the property line between O. Smith and R. G. Haden. Thence east on said property line 85 feet, thence on the arc of a curve to the right in a northerly direction whose radius is 1233.6 feet a distance of 68 feet. Thence north 10 deg. 28 Min. east 57.9 feet. Thence on the arc of a curve to the left whose radius is 995.4 feet a distance of 664.4 feet. Thence north 29 deg. 24 Min. West 470.5 feet. Thence on the arc of a curve to the right in a northeasterly direction whose radius is 35 feet, a distance of 65 feet to a point on the south line of the Frankford and Louisiana Public road, thence north to the center of said public road, thence west with center of said public road to intersect the west line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ said section 2. Thence south on said $\frac{1}{4}$ $\frac{1}{4}$ section line, 123 feet to the point of beginning.

Herein above described tract of land contains 2.4 acres more or less new Right of Way to be acquired.

Tract 3

A certain strip of Right of Way for a State Highway which lies on the right and left sides and adjacent to the centerline of a certain set of road plans known as Route 9, Jones Station Bowling Green, Pike County, Missouri and which land

is located in part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2 (T. 54 N. R. 4 W.) Pike County, Missouri, and which land is more particularly described as follows:

Beginning at a point, which point is approximately 610 feet south of the NW corner of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2 (T. 54 N. R. 4 W.) thence south on the $\frac{1}{4}$ $\frac{1}{4}$ Section line which line is the west boundary line of NE $\frac{1}{4}$ NE $\frac{1}{4}$ said section 2 a distance of 85 feet, thence north 29 deg. 24 Min. west a distance of 53 feet thence on the centerline of a curve to the left in a northwesterly direction whose radius is 105 feet, a distance of 117 feet to a point on the east line of the Frankford and Louisiana public road thence north to center of said public road thence east with the center of said Frankford and Louisiana public road, a distance of 115 feet to intersect the east line NW $\frac{1}{4}$ NE $\frac{1}{4}$ said section 2, thence south 35 feet to the point of beginning.

Herein above described tract of land contains 2/10 acres more or less new right of Way to be obtained.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 2. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF MACON TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in the City of Macon, Macon County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract 1

All of lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), and Twenty-three (23) of Block Four (4) of the Kenwood Addition to the City of Macon, Missouri, except that part heretofore conveyed to the State of Missouri for use of the State Highway Commission of Missouri, as right-of-way, and more fully described as follows:

Beginning at a point on the center line of Maple Street 25 feet west of and 22.5 feet south of the southeast corner of said Block Four (4), thence west along the center line of said Maple Street for a distance of 98.1 feet to a point on the north right-of-way line of Route US 63, thence north 71° 46' West along the said right-of-way line for a distance of 174.5 feet to the P.C. of a curve to the right having a radius of 491.7 feet, thence in a northwesterly direction around the above described curve for a distance of 68.9 feet to the point of intersection of the said right-of-way line and the center line of Madison Street, thence north along the center line of said Madison Street for a distance of 270.7 feet to a point on the center line of Chestnut Street, thence east along the center line of said Chestnut Street for a distance of 343.7 feet to a point, thence south along the east line of said Block Four (4) for a distance of 213.2 feet to the northeast corner of lot Seventeen (17) of said Block Four (4), thence west along the north line of said

lot Seventeen (17) for a distance of 25 feet to the northwest corner of said lot Seventeen (17), thence south along the west line of said lot Seventeen (17) for a distance of 147.5 feet to the point of beginning, and containing in all 2.39 acres more or less.

Tract 2

Lying in Lot Six (6) of Block One (1), of the Kenwood Addition to the City of Macon, Missouri and described as follows:

Beginning at a point 22.5 feet North of and 30 feet East of the Northeast Corner of said Block One (1), thence West along the Center Line of McKay Street for a distance of 137 feet to a point on the East right-of-way line of U.S. Route 63, thence in a Southeasterly direction along the said right-of-way line for a distance of 153 feet to the South Line of said Lot Six (6), thence East along said South Line of said Lot Six (6) for a distance of 22 feet to a point on the Center Line of Madison Street, thence North along the Center Line of said Madison Street for a distance of 87.2 feet to the point of beginning, and containing 0.13 acre more or less.

Tract 3

All of that part of Lots 1 and 2 lying East of Federal Highway #63 and all of Lots 9 and 10, all in Block 2 of Kenwood Addition to the town of Macon, Missouri and more specifically described as follows:

Beginning at a point 22-1/2 feet South of and 30 feet East of the Southeast Corner of said Block 2 of Kenwood Addition to the town of Macon, Missouri, thence North for a distance of 140.5 feet to a point, thence West for a distance of 227.5 feet to a point on the East right-of-way line of Federal Highway #63, thence in a Southeasterly direction along the said East right-of-way line of said Federal Highway #63 for a distance of 172 feet to a point, thence East for a distance of 131.8 feet to the point of beginning and containing 0.6 acre more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 3. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF MAYSVILLE TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in the City of Maysville, DeKalb County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Beginning at a point of intersection of the north right of way line of State Highway Route 6 and Grantor's east property line, said point being one thousand seventy-six and forty-six hundredths (1076.46) feet east of and one thousand one hundred sixty-four and thirty-six hundredths (1164.36) feet south of the northwest corner of Section 35, Township 59, north, Range 31 west, from

said point of beginning, thence north two hundred twelve and sixty-five hundredths (212.65) feet, thence west one hundred eighty (180) feet, thence south two hundred sixty-nine and eighty-nine hundredths (269.89) feet to said north right of way line of State Highway Route 6, thence easterly along said right of way line to the point of beginning, and containing one (1.0) acre.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 4. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF BLUE SPRINGS TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in the City of Blue Springs, Jackson County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract 1

Two strips of land herein designated A and B, said strips are to be used as right-of-way for the construction of an additional traffic lane for east bound travel on a highway designated Route US 40, as located and established by the State Highway Commission of Missouri, and are more fully described as follows:

Strip A, is a strip of land 65 feet in width and 1360 feet in length the northerly boundary line of which is the center line of said proposed traffic lane and included between Stations 736+22 and 749+82 of a survey of said center line. Station 736+22 on said center line is located as follows:

Beginning at the SW Corner of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 1, T48N, R31W; thence North 0 degrees 33 minutes west a distance of 903 feet to a point; thence North 89 degrees 59 minutes east a distance of 123.8 feet to the P.C. of a 1 degree curve to the left, said curve having an interior angle of 13 degrees 30 minutes; thence northeasterly along said curve a distance of 1215.2 feet to said Station 736+22 and from said Station the center line of said traffic lane continues northeasterly along said curve a distance of 134.8 feet to the P.T. of said curve; thence North 76 degrees 29 minutes east a distance of 572.1 feet to the P.C. of a 1 degree curve to the right; said curve having an interior angle of 12 degrees 40 minutes; thence northeasterly along said curve a distance of 653.1 feet to Station 749+82.

Strip B, is enclosed by the following described boundary lines: Beginning at Station 749+82 on the center line of said traffic lane; thence North along the east line of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 1, T48N, R31W; a distance of 56 feet to the south line of the right-of-way as heretofore secured for the original Route US 40; thence west along said right-of-way line a distance of 1333 feet, more or less, to a point on the west line of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Sec. 1; thence south along said line a distance of 315 feet, more or less, to Station 736+22 on the center line of said traffic lane; thence northeasterly along said center line as above described, the distance of 1360 feet to the point of beginning at Station 749+88.

The above described strips of land contain 7.42 acres lying, situate and being in the NE¼ of the NW¼ of Sec. 1, T48N, R31W.

All as shown on approved plans now on file in the office of the County Clerk of Jackson County, Missouri.

Tract 2

A tract or parcel of land to be used as right-of-way for the construction of an additional traffic lane for east bound travel on a highway designated Route US 40, as located and established by the State Highway Commission of Missouri; said strip is located and described as follows: Beginning at the SW Corner of the NW¼ of the NW¼ of Sec. 1, T48N, R31W; thence North 0 degrees 33 minutes west a distance of 903 feet to a point; thence North 89 degrees 59 minutes east a distance of 123.8 feet to the P.C. of a 1 degree curve to the left, said curve having an interior angle of 13 degrees 30 minutes; thence northeasterly along said curve a distance of 540.7 feet to the true point of beginning at Survey Station 729+47.5 on the center line of said proposed traffic lane; thence south along the west line of grantors premises and in the center of an old road, a distance of 80 feet to a point; thence in a northeasterly direction by a curve to the left having a radius of 5809.65 feet, paralleling and 80 feet southerly from the center line of said traffic lane, a distance of 286 feet to a point opposite Station 732+25; thence in a northeasterly direction on a straight line a distance of 30 feet to a point opposite and 65 feet southerly from Station 732+50; thence northeasterly curving to the left with a radius of 5794.65 feet, paralleling and 65 feet southerly from said center line a distance of 357 feet to a point on the east line of grantors premises; thence north along said line a distance of 66 feet to Station 735+22 on the center line of said traffic lane; thence continuing north along said property line a distance of 315 feet, more or less, to the south line of the right-of-way as heretofore secured for the original Route US 40; thence west along said line a distance of 660 feet, more or less, to the Northwest Corner of grantors premises; thence south along the west line of grantors property and in the center of an old road a distance of 410 feet to the said true point of beginning.

Also, a strip of land to be used as right-of-way for a road approach and described as follows: Beginning at Station 729+47.5 on the center line of the above described traffic lane; thence south 0 degrees 37 minutes east a distance of 80 feet to the true point of beginning on the southerly line of the tract first described above and at Station 0+54.4 on the center line of a survey of said road approach; thence continuing south 0 degrees 37 minutes east a distance of 445.6 feet to a point; thence east 40 feet to a point; thence North 0 degrees 37 minutes West paralleling and 40 feet east of the center line of said approach a distance of 275 feet to a point opposite Station 2+25; thence northerly a distance of 50 feet, more or less, to a point 45 feet east of Station 1+75; thence North 0 degrees 37 minutes West a distance of 120.6 feet to the southerly line of the tract first described above; thence westerly along said line a distance of 45 feet to the said true point of beginning.

The above described land for right-of-way contains 0.65 of an acre in an old road and 6.47 acres is additional land from grantors herein, lying, situate and being in the E½ of the NW¼ NW¼ of Sec. 1, T48N, R31W.

All as shown on approved plans now on file in the office of the County Clerk of Jackson County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 5. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF HOLDEN TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in the City of Holden, Johnson County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Beginning at the point of intersection of the South right-of-way line of State Highway Route 58 with the North-South centerline of Section 14, Township 45 North, Range 28 West, in the City of Holden, Johnson County, Missouri; thence west along the south right- of-way line of said Route 58 a distance of 475.19 feet to an angle point; thence on an angle of 90°, south 435.2 feet to the true point of beginning of the tract to be described; thence east 300.27 feet; thence south 105 feet; thence westerly along a straight line to a point 80 feet south of the said true point of beginning; thence north 80 feet to the beginning. Said tract contains 0.64 of an acre of land.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 6. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF WILLOW SPRINGS TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in the City of Willow Springs, Howell County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract 1

All that part of the North half of the southwest quarter of the southeast quarter (N½ SW¼ SE¼) of Section 19, Township 27 North, Range 9 West

Described as follows:

Beginning at a point 10 rods north and 16 rods east of the southwest corner of the north half of the southwest quarter of the southeast quarter of said Section 19; thence run north 292 feet; thence east 100 feet; thence south 292 feet; thence west 100 feet to the place of beginning.

Containing 0.68 acres, more or less.

Tract 2

The South 292 feet of that part of the North half of the southwest quarter of the southeast quarter (S 292' N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 19, Township 27 North, Range 9 West. As described in a deed executed on the 22nd day of December, 1922, and recorded in Book 179 at Page 330, records of Howell County, and more particularly described as follows:

Beginning 10 rods north of the southwest corner of the north half of the southwest quarter of the southeast quarter of said Section 19; thence run north 292 feet; thence east 264 feet; thence south 292 feet; thence west 264 feet to the place of beginning.

Containing 1.77 acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 7. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF WASOLA TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in the City of Wasola, Ozark County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

A parcel of land lying adjacent to and on the southerly side of the southerly right of way line of Route 95 as it is now located and established over and across the west half of Lot One of the Northwest quarter of Section 2, Township 24 North, Range 15 West. Said parcel being more particularly described as follows:

Beginning at a point on said southerly line opposite hence west 293 feet; thence north 170 feet to a point on said southerly line opposite Sta. 20+12; thence easterly along said southerly line to the place of beginning.

The above described parcel has an area of 1.36 acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 8. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF BUFFALO TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in the City of Buffalo, Dallas County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

That part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, Township 34N, Range 20W situated bounded and described as follows:

Commencing at the northeast corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, Township 34N, Range 20W, thence South 662.7 feet, more or less, West right 40 feet to the right of West right of way line of U.S. Route 65, opposite survey station 930+51.7 of the survey for said Route for a beginning, thence S 1 $\frac{1}{2}$ 28'W on said West right of way line a distance of 149.7 feet, thence N 88 $\frac{1}{2}$ 52'W a distance of 291 feet, thence N 1 $\frac{1}{2}$ 28'E a distance of 149.7 feet, thence S 88 $\frac{1}{2}$ 52'E a distance of 291 feet to the beginning point containing 1.00 acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 9. CONVEYANCE OF STATE PROPERTY LOCATED IN APPLETON CITY TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Appleton City, St. Clair County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

All of Lot nine (9) in Block three (3), of Grantley's Addition to Appleton City, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 10. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF MEHLVILLE TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in the City of Mehlville, St. Louis County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tracts or parcels of land, lying, being and situate in the County of St. Louis and in the State of Missouri, to wit: lying in block 69 of Carondelet Commons, South of River Des Peres, in U.S. Survey 3102, township 44 North range 6 East, St. Louis County, Missouri; BEGINNING at station 20+02.31 on the centerline of state highway 77TR, where said centerline crosses the grantors northwest property line, being also the line dividing the property now or formerly of R.J. Riviere on the Northwest and Ernest and Arthur Dohack on the southeast, distant North 35 $\frac{1}{2}$ 56 minutes East 28.62 feet from a stone set in said line in the Southwest line of Sappington Barracks Road, or Lindbergh Boulevard, 60 feet wide, thence following the centerline of said state highway South 62 $\frac{1}{2}$ 16 minutes East 808.31 feet to station 28+10.62, where said centerline crosses the Southeast line of block 70 of said Carondelet Commons, North 35 $\frac{1}{2}$ 46 minutes East 119.87 feet from the most Eastern Corner of said block 69. This Deed is to convey all the grantors' land lying within the grantors' Northeast property line and a line 100 feet perpendicular distance Southwest of and parallel to the centerline of said state highway from the grantors' Northwest property line to a point where said

100 foot line will intersect grantor's Northeast property line opposite approximate station 27+30, containing thirty-eight (0.38) hundredths of an acre, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 11. CONVEYANCE OF STATE PROPERTY LOCATED IN THE CITY OF RICH HILL TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in the City of Rich Hill, Bates County, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

All of a tract of land lying in the southeast corner of the northeast quarter of the southeast quarter of Section 5, in Township 38 North of Range 31 West, more particularly described as follows: Beginning 30.0 feet west of the southeast corner of the northeast quarter of the southeast quarter of Section 5, and running thence west 250.0 feet; thence north 175.0 feet; thence east 250.0 feet, and thence south 175.0 feet to the place of beginning, containing one (1) acre, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 12. VACATES AND GRANTS AN EASEMENT TO THE CITY OF SEDALIA FOR A FIRE STATION AND ENTRANCE. — 1. The governor is hereby authorized and empowered to vacate the existing one acre easement made on May 25, 1971, between the state and the City of Sedalia, Missouri, located at 2600 West 16th Street, and is hereby authorized and empowered to grant to the City of Sedalia, Missouri, an easement to construct, reconstruct, alter, replace, maintain, and operate a fire station and an entrance thereto on and over certain state owned property more particularly described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 45 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, PETTIS COUNTY, MISSOURI; THENCE N 86° 29'52"W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 939 FEET TO THE POINT OF BEGINNING OF THE PARCEL CONVEYED TO THE STATE OF MISSOURI IN VOLUME 289 AT PAGE 242 IN THE PETTIS COUNTY RECORDERS OFFICE, AND AS SHOWN ON A SURVEY IN PLAT CABINET B AT PAGE 775 TO THE POINT OF BEGINNING; THENCE CONTINUING N 86° 29'52"W ALONG SAID SOUTH LINE, 323 FEET TO THE EASTERLY RIGHT OF WAY OF THE MISSOURI PACIFIC RAILROAD COMPANY DESCRIBED IN VOLUME 140 AT PAGE 298, AND AS SHOWN ON SAID SURVEY IN PLAT CABINET B AT PAGE 775; THENCE N 2° 24'46"E ALONG SAID RIGHT OF WAY, 387.32 FEET; THENCE S 87° 36'42"E, 323 FEET TO THE EAST LINE OF SAID PROPERTY DESCRIBED IN VOLUME 289 AT PAGE 242; THENCE S 2° 24'41"W ALONG SAID EAST LINE, 393.60 FEET

TO THE POINT OF BEGINNING, CONTAINING 2.9 ACRES, MORE OR LESS, RESERVING TO THE STATE OF MISSOURI INGRESS AND EGRESS TO THE NORTH 2.1 ACRES MORE OR LESS OF THE PARCEL DESCRIBED IN VOLUME 289 AT PAGE 242.

EXCEPTING THEREFROM THE RIGHT OF WAY FOR HIGHWAY Y AS SHOWN ON SAID SURVEY IN PLAT CABINET B AT PAGE 775, AND THE MISSOURI DEPARTMENT OF TRANSPORTATIONS PLANS FOR STATE HIGHWAY Y.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 13. VACATES AND EASEMENT LOCATED NEAR THE CHOTEAU STATE OWNED OFFICE BUILDING IN THE CITY OF ST. LOUIS. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release all interest of the state of Missouri in an easement located near the Choteau State Owned Office Building, in the City of St. Louis, described as follows:

Ingress/Egress Easement Vacation

Book 1696M, Page 2270

A tract of land being part of Lots 2 and 4 of Chouteau-Compton Subdivision No. 3, a subdivision according to the plat thereof as recorded in Plat Book 12242003, Page 132 of the City of St. Louis Records, being more particularly described as follows:

Beginning at the southeastern corner of above said Lot 4, said point also being the southwestern corner of Lot 2, said point also being located on the northern right-of-way line of Chouteau Avenue, 80 feet wide; thence along said right-of-way line, North 75 degrees 00 minutes 00 seconds West, 25.32 feet to the western line of an Ingress/Egress Easement as established by instrument recorded in Book 1696M, Page 2270; thence departing last said right-of-way line along said western line the following courses and distances: North 15 degrees 32 minutes 58 seconds East, 78.61 feet to a point on a non-tangent curve to the right having a radius of 75.51 feet; along said curve with an arc length of 47.00 feet, and a chord which bears North 44 degrees 16 minutes 16 seconds East, 46.24 feet; North 59 degrees 59 minutes 10 seconds East, 53.47 feet to a point on a non-tangent curve to the left having a radius of 81.83 feet; thence along said curve with an arc length of 57.03 feet, and a chord which bears North 36 degrees 21 minutes 43 seconds East, 55.88 feet to a point of tangency and North 16 degrees 23 minutes 52 seconds East, 21.30 feet to the northern line of above said Lot 4; thence along said north line South 75 degrees 00 minutes 00 seconds East, 12.52 feet to the northeastern corner of above said Lot 4, said point also being the northwestern corner of above said Lot 2; thence along the northern line of said Lot 2, South 75 degrees 00 minutes 00 seconds East, 11.21 feet to the northeastern corner of above said Ingress/Egress Easement; thence along the eastern line of said Ingress/Egress Easement the following courses and distances: South 14 degrees 42 minutes 17 seconds West, 25.31 feet to a point on a non-

tangent curve to the right having a radius of 80.19 feet; along said curve with an arc length of 66.36 feet, and a chord which bears South 36 degrees 23 minutes 48 seconds West, 64.48 feet; South 60 degrees 06 minutes 17 seconds West, 45.35 feet to a point on a non-tangent curve to the left having a radius of 63.36 feet; along said curve with an arc length of 42.86 feet, and a chord which bears South 34 degrees 36 minutes 23 seconds West, 42.05 feet to a point of tangency and South 15 degrees 13 minutes 43 seconds West, 73.14 feet to the northern right-of-way line of above said Chouteau Avenue; thence along said northern right-of-way line, North 75 degrees 00 minutes 00 seconds West, 10.53 feet to the Point of Beginning and containing 7,348 square feet or 0.168 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc on March 15, 2012.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is 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, section 13 of this act shall be in full force and effect upon its passage and approval.

Approved July 10, 2012

SB 682 [HCS SS SCS SB 682]

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

Requires that certain pain management techniques be performed by licensed physicians

AN ACT to amend chapter 334, RSMo, by adding thereto one new section relating to interventional pain management.

SECTION

A. Enacting clause.

334.153. Intervention pain management, practice of only by licensed physician, when— board to promulgate rules — expiration date.

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

SECTION A. ENACTING CLAUSE. — Chapter 334, RSMo, is amended by adding thereto one new section, to be known as section 334.153, to read as follows:

334.153. INTERVENTION PAIN MANAGEMENT, PRACTICE OF ONLY BY LICENSED PHYSICIAN, WHEN — BOARD TO PROMULGATE RULES — EXPIRATION DATE. — 1. No person other than a physician licensed under this chapter shall perform the following interventions in the course of diagnosing or treating pain which is chronic, persistent and intractable, or occurs outside of a surgical, obstetrical, or post-operative course of care:

(1) Ablation of targeted nerves;

(2) Percutaneous precision needle placement within the spinal column with placement of drugs, such as local anesthetics, steroids, and analgesics, in the spinal column under fluoroscopic guidance. The provisions of this subdivision shall not apply to inter-laminar lumbar epidural injections performed in a hospital as defined in section 197.020 or an ambulatory surgery center as defined in section 197.200 if the standard of care for medicare reimbursement for inter-laminar or trans-laminar lumbar epidural injections is changed after the effective date of this section to allow reimbursement only with the use of image guidance; or

(3) Laser or endoscopic discectomy, or the surgical placement of intrathecal infusion pumps, and or spinal cord stimulators.

2. Nothing in this section shall be construed to prohibit or restrict the performance of surgical or obstetrical anesthesia services or post-operative pain control by a certified registered nurse anesthetist pursuant to subsection 7 of section 334.104 or by an anesthesiologist assistant licensed pursuant to sections 334.400 to 334.434.

3. The state board of registration for the healing arts may promulgate rules to implement the provisions of this section, except that such authority shall not apply to rulemaking authority to define or regulate the scope of practice of certified registered nurse anesthetists. 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 non-severable 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.

4. The provisions of this section shall automatically expire four years after the effective date of this section unless reauthorized by an act of the general assembly.

Approved June 18, 2012

SB 689 [SS SCS SB 689]

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 crimes committed against the elderly and disabled

AN ACT to repeal sections 565.182 and 570.145, RSMo, and to enact in lieu thereof two new sections relating to crimes against certain types of vulnerable persons, with penalty provisions.

SECTION

- A. Enacting clause.
- 565.182. Elder abuse in the second degree — penalty.
- 570.145. Financial exploitation of the elderly and disabled, penalty — definitions — certain defense prohibited, additional violation, restitution.

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

SECTION A. ENACTING CLAUSE. — Sections 565.182 and 570.145, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 565.182 and 570.145, to read as follows:

565.182. ELDER ABUSE IN THE SECOND DEGREE — PENALTY. — 1. A person commits the crime of elder abuse in the second degree if he:

(1) Knowingly causes, attempts to cause physical injury to any person sixty years of age or older or an eligible adult, as defined in section 660.250, by means of a deadly weapon or dangerous instrument; or

(2) Recklessly [and] or purposely causes serious physical injury, as defined in section 565.002, to a person sixty years of age or older or an eligible adult as defined in section 660.250.

2. Elder abuse in the second degree is a class B felony.

570.145. FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED, PENALTY — DEFINITIONS — CERTAIN DEFENSE PROHIBITED, ADDITIONAL VIOLATION, RESTITUTION. —

1. A person commits the crime of financial exploitation of an elderly or disabled person if such person knowingly [and] by deception, intimidation, **undue influence**, or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his or her property thereby benefitting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than fifty dollars, a class D felony if the value of the property is fifty dollars but less than five hundred dollars, a class C felony if the value of the property is five hundred dollars but less than one thousand dollars, a class B felony if the value of the property is one thousand dollars but less than fifty thousand dollars, and a class A felony if the value of the property is fifty thousand dollars or more.

2. For purposes of this section, the following terms mean:

(1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. Deception includes:

(a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or

(b) Failure to correct a false impression which the offender previously has created or confirmed; or

(c) Preventing another person from acquiring information pertinent to the disposition of the property involved; or

(d) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform;

(2) "Disabled person", a person with a mental, physical, or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection;

(3) "Elderly person", a person sixty years of age or older;

(4) "Intimidation", a threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment;

(5) "**Undue influence**", **use of influence by someone who exercises authority over an elderly person or disabled person in order to take unfair advantage of that persons's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.**

3. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence.

4. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

5. Nothing in this section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

6. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

7. **(1) It shall be unlawful in violation of this section for any person receiving or in the possession of funds of a Medicaid eligible elderly or disabled person residing in a facility licensed under chapter 198 to fail to remit to the facility in which the Medicaid eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the department of social services, family support division or its successor. The department of social services, family support division or its successor is authorized to release information from its records containing the resident's income or assets to any prosecuting or circuit attorney in the state of Missouri for purposes of investigating or prosecuting any suspected violation of this section.**

(2) The prosecuting or circuit attorney of any county containing a facility licensed under chapter 198, who successfully prosecutes a violation of the provisions of this subsection, may request the circuit court of the county in which the offender admits to or is found of guilty of a violation, as a condition of sentence and/or probation, to order restitution of all amounts unlawfully withheld from a facility in his or her county. Any order of restitution entered by the court or by agreement shall provide that ten percent of any restitution installment or payment paid by or on behalf of the defendant or defendants shall be paid to the prosecuting or circuit attorney of the county successfully prosecuting the violation to compensate for the cost of prosecution with the remaining amount to be paid to the facility.

Approved July 11, 2012

SB 719 [CCS#2 SS SCS SB 719]

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 issuance of temporary boating safety identification cards to nonresidents under certain conditions

AN ACT to repeal sections 302.173, 306.127, 306.532, and 577.073, RSMo, and to enact in lieu thereof four new sections relating to transportation, with existing penalty provisions and an emergency clause for certain sections.

SECTION

A. Enacting clause.

302.173. Driver's examination required, when — exceptions — procedure — military motorcycle rider training, no further driving test required.

- 306.127. Boating safety identification card required, when, requirements, fee — inapplicable, when — temporary boater safety identification card issued to nonresidents, when, rules, fee authorized, expiration date.
- 306.532. Certificate of title to designate year of manufacture
- 577.073. Littering waters, injuring plants or historical objects, or selling in state parks — penalty.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 302.173, 306.127, 306.532, and 577.073, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 302.173, 306.127, 306.532, and 577.073, to read as follows:

302.173. DRIVER'S EXAMINATION REQUIRED, WHEN — EXCEPTIONS — PROCEDURE — MILITARY MOTORCYCLE RIDER TRAINING, NO FURTHER DRIVING TEST REQUIRED. — 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state, another state, or a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the armed forces, their adult dependents or any active member of the peace corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the armed forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his or her ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder, other than a test of the applicant's ability to understand highway signs regulating, warning or directing traffic and the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county. Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant's natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the traffic laws of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification for which the license is sought. When an applicant for a license has a license from a state which has requirements for issuance of a license comparable to the Missouri requirements or a license from a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 and such license has not expired more than six months prior to the date of application for the Missouri license, the director may waive the test of the applicant's practical knowledge of the traffic laws of this state, and the requirement of actual demonstration of ability to exercise due care in the operation of a motor vehicle. If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, the director may

require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license hereunder if in the director's opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state.

2. Beginning July 1, 2005, when the examiner has reasonable grounds to believe that an individual has committed fraud or deception during the examination process, the license examiner shall immediately forward to the director all information relevant to any fraud or deception, including, but not limited to, a statement of the examiner's grounds for belief that the person committed or attempted to commit fraud or deception in the written, skills, or vision examination.

3. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice.

4. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful completion of a motorcycle rider training course approved pursuant to sections 302.133 to 302.137 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further driving test shall be required to obtain a motorcycle or motortricycle license or endorsement.

5. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful completion of a military motorcycle rider training course that meets or exceeds the Motorcycle Safety Foundation curriculum standards by an applicant who is an active member of the U.S. armed forces, shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further driving test shall be required to obtain a motorcycle or motortricycle license or endorsement. The director of revenue is authorized to promulgate rules and regulations for the administration and implementation of this subsection including rules governing the presentment of motorcycle training course completion cards from a military motorcycle rider training course or other documentation showing that the applicant has successfully completed a course in basic motorcycle safety instruction that meets or exceeds curriculum standards established by the Motorcycle Safety Foundation or other national organization whose purpose is to improve the safety of motorcyclists on the nation's streets and highways. 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.

306.127. BOATING SAFETY IDENTIFICATION CARD REQUIRED, WHEN, REQUIREMENTS, FEE — INAPPLICABLE, WHEN — TEMPORARY BOATER SAFETY IDENTIFICATION CARD ISSUED TO NONRESIDENTS, WHEN, RULES, FEE AUTHORIZED, EXPIRATION DATE. — 1. Beginning January 1, 2005, every person born after January 1, 1984, or as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall possess, on the vessel, a boating safety identification card issued by the Missouri state water patrol or its agent which shows that he or she has:

(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Missouri state water patrol. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The Missouri state water patrol shall maintain a list of approved courses; or

(2) Successfully passed an equivalency examination prepared by the Missouri state water patrol and administered by the Missouri state water patrol or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or

(3) A valid master's, mate's, or operator's license issued by the United States Coast Guard.

2. The Missouri state water patrol or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law.

3. The Missouri state water patrol may charge a fee for such card or any replacement card that does not substantially exceed the costs of administering this section. The Missouri state water patrol or its designated agent shall collect such fees. These funds shall be forwarded to general revenue.

4. The provisions of this section shall not apply to any person who:

(1) Is licensed by the United States Coast Guard to serve as master of a vessel;

(2) Operates a vessel only on a private lake or pond that is not classified as waters of the state;

(3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;

(4) Is participating in an event or regatta approved by the water patrol;

(5) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators (NASBLA);

(6) Is exempted by rule of the water patrol;

(7) Is currently serving in any branch of the United States armed forces, reserves, or Missouri national guard, or any spouse of a person currently in such service; or

(8) Has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA).

5. The Missouri state water patrol shall inform other states of the requirements of this section.

6. No individual shall be detained or stopped strictly for the purpose of checking whether the individual possesses a boating safety identification card or a temporary boater education permit.

7. [Beginning January 1, 2006, any nonresident born after January 1, 1984, desiring to operate a rental vessel on the lakes of this state, may obtain a temporary boater education permit by completing and passing a written examination developed by the Missouri state water patrol, provided the person meets the minimum age requirements for operating a vessel in this state. The Missouri state water patrol is authorized to promulgate rules for developing the examination and any requirements necessary for issuance of the temporary boater education permit. The temporary boater education permit shall expire when the nonresident obtains a permanent identification card pursuant to subsection 2 of this section or thirty days after issuance, whichever occurs first. The Missouri state water patrol may charge a fee not to exceed ten dollars for such temporary permit. Upon successful completion of an examination and prior to renting a vessel, the business entity responsible for giving the examination shall collect such fee and forward all collected fees to the Missouri state water patrol on a monthly basis for deposit in the state general revenue fund. Such business entity shall incur no additional liability in accepting the responsibility for administering the examination. This subsection shall terminate on December

31, 2010.] Any person or company that rents or sells vessels may issue a temporary boating safety identification card to a nonresident of the state to operate a rented vessel or a vessel being considered for sale, for a period of up to seven days, provided that the individual meets the minimum age requirements for operating a vessel in this state. In order to qualify for the temporary boating safety identification card, the applicant shall provide a valid driver's license establishing that the applicant is a nonresident and shall sign an affidavit that he or she has reviewed the Missouri State Highway Patrol Handbook of Missouri Boating Laws and Responsibilities. Any nonresident holding a valid temporary boating safety identification card shall be deemed in compliance with the requirements of this section. The Missouri state highway patrol shall charge a fee of nine dollars for such temporary boating safety identification card. Nonresidents shall not be eligible for more than one temporary boating safety identification card. No person or company may issue a temporary boating safety identification card to a nonresident under the provisions of this subsection unless such person or company is capable of submitting the applicant's temporary boating safety identification card information and payment in an electronic format as prescribed by the Missouri state highway patrol. The business entity issuing a temporary boating safety identification card to a nonresident under the provisions of this subsection shall transmit the applicant's temporary boating safety identification card information electronically to the Missouri state highway patrol, in a manner and format prescribed by the superintendent, using an electronic online registration process developed and provided by the Missouri state highway patrol. The electronic online process developed and provided by the Missouri state highway patrol shall allow the applicant to pay the temporary boating safety identification card fee by credit card or debit card. Notwithstanding any provision in section 306.185 to the contrary, all fees collected under the authority of this subsection shall be deposited in the water patrol division fund. The Missouri state highway patrol shall promulgate rules for developing the temporary boating safety identification card and any requirements necessary to the issuance, processing, and payment of the temporary boating safety identification card. The Missouri state highway patrol shall, by rule, develop a boating safety checklist for each applicant seeking a temporary boating safety identification card. The provisions of this subsection shall expire on December 31, 2022.

306.532. CERTIFICATE OF TITLE TO DESIGNATE YEAR OF MANUFACTURE — Effective [January 1, 2011] **August 28, 2012**, the certificate of title for a new outboard motor shall designate the year the outboard motor was manufactured as the "Year Manufactured" and shall further designate the year the dealer received the new outboard motor from the manufacturer as the "Model Year-NEW". **Any outboard motor manufactured on or after July first of any year shall be labeled "Year Manufactured" with the calendar year immediately following the year manufactured, unless the manufacturer indicates a specific model or program year.**

577.073. LITTERING WATERS, INJURING PLANTS OR HISTORICAL OBJECTS, OR SELLING IN STATE PARKS — PENALTY. — 1. It is unlawful for any person to throw waste paper, tin cans, bottles, rubbish of any kind, or contaminate in any manner, any spring, pool or stream within a state park, nor shall any person other than authorized personnel of the department of natural resources cut, prune, pick or deface or injure in any manner the flowers, trees, shrub or any other flora growing on the land or in the water of any state park.

2. No person shall be permitted to offer or advertise merchandise or other goods for sale or hire, or to maintain any concession, or use any park facilities, buildings, trails, roads or other state park property for commercial use except by written permission or concession contract with the department of natural resources; **except that, the provisions of this subsection shall not apply to the normal and customary use of public roads by commercial and**

noncommercial organizations for the purpose of transporting persons or vehicles, including but not limited to, canoes.

3. No object of archaeological or historical value or interest within a state park may be removed, injured, disfigured, defaced or destroyed except by authorized personnel.

4. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

SECTION B. EMERGENCY CLAUSE. — Because of the need to protect tourism in this state and ensure that out-of-state residents are knowledgeable in the safe operation of vessels, the repeal and reenactment of sections 306.127 and 577.073 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 306.127 and 577.073 of this act shall be in full force and effect upon its passage and approval.

Approved July 12, 2012

SB 729 [SCS SB 729]

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 county purchases

AN ACT to repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to county purchases.

SECTION

- A. Enacting clause.
- 50.660. Rules governing contracts.
- 50.783. Waiver of competitive bid requirements, when — rescission of waiver, when — single feasible source purchases — exception for Boone and Greene counties.

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

SECTION A. ENACTING CLAUSE. — Sections 50.660 and 50.783, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 50.660 and 50.783, to read as follows:

50.660. RULES GOVERNING CONTRACTS. — 1. All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public works or buildings to be paid for from bond funds or from taxes levied for the purpose it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized by vote of the

people and that there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the county or township with a circulation of at least five hundred copies per issue, if there is one, except that the advertising is not required in case of contracts or purchases involving an expenditure of less than six thousand dollars. It is not necessary to obtain bids on any purchase in the amount of four thousand five hundred dollars or less made from any one person, firm or corporation during any period of ninety days, **or, if the county is any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, it is not necessary to obtain bids on such purchases in the amount of six thousand dollars or less.** All bids for any contract or purchase may be rejected and new bids advertised for. Contracts which provide that the person contracting with the county or township shall, during the term of the contract, furnish to the county or township at the price therein specified the supplies, materials, equipment or services other than personal therein described, in the quantities required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer, as herein provided; but all orders for supplies, materials, equipment or services other than personal shall bear the certification. In case of such contract, no financial obligation accrues against the county or township until the supplies, materials, equipment or services other than personal are so ordered and the certificate furnished.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, advertising shall not be required in any county in the case of contracts or purchases involving an expenditure of less than six thousand dollars.

50.783. WAIVER OF COMPETITIVE BID REQUIREMENTS, WHEN — RESCISSION OF WAIVER, WHEN — SINGLE FEASIBLE SOURCE PURCHASES — EXCEPTION FOR BOONE AND GREENE COUNTIES. — 1. The county commission may waive the requirement of competitive bids or proposals for supplies when the commission has determined in writing and entered into the commission minutes that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:

(1) Supplies are proprietary and only available from the manufacturer or a single distributor; or

(2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or

(3) Supplies are available at a discount from a single distributor for a limited period of time.

2. On any single feasible source purchase where the estimated expenditure is three thousand dollars or over, the commission shall post notice of the proposed purchase. Where the estimated expenditure is five thousand dollars or over, the commission shall also advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible service purchase by any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants where the estimated expenditure is six thousand dollars or over, the

commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

Approved July 10, 2012

SB 736 [SB 736]

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

Exempts St. Francois County from a requirement that certain amounts of money from the county's special road and bridge tax be spent in certain areas

AN ACT to repeal section 137.556, RSMo, and to enact in lieu thereof one new section relating to the use of the special road and bridge tax in certain counties.

SECTION

A. Enacting clause.

137.556. One-fourth of tax expended on city streets in certain counties — exception, St. Francois County.

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

SECTION A. ENACTING CLAUSE. — Section 137.556, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.556, to read as follows:

137.556. ONE-FOURTH OF TAX EXPENDED ON CITY STREETS IN CERTAIN COUNTIES — EXCEPTION, ST. FRANCOIS COUNTY. — 1. Notwithstanding the provisions of section 137.555, any county of the second class which now has or may hereafter have more than one hundred thousand inhabitants, and any county of the first class not having a charter form of government, shall expend not less than twenty-five percent of the moneys accruing to it from the county's special road and bridge tax levied upon property situated within the limits of any city, town or village within the county for the repair and improvement of existing roads, streets and bridges within the city, town or village from which such moneys accrued, **except that any county of the second classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants shall not be required to expend such moneys as prescribed in this section.**

2. The city council or other governing body of the city, town or village shall designate the roads, streets and bridges to be repaired and improved and shall specify the kinds and types of materials to be used.

3. The county commission may make and supervise the improvements or the city, town or village, with the consent and approval of the county commission, may provide for the repairs and improvement by private contract and, in either case, the county commission shall pay the costs thereof out of any funds available under the provisions of this section.

Approved July 6, 2012

SB 749 [CCS HCS SS SB 749]

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

Provides protections for religious beliefs as to the imposition of certain health care services such as abortion, contraception, or sterilization

AN ACT to repeal section 376.1199, RSMo, and to enact in lieu thereof two new sections relating to the protection of the religious beliefs and moral convictions of certain persons and entities, with an emergency clause.

SECTION

- A. Enacting clause.
- 191.724. Discrimination based on religious beliefs or moral convictions prohibited, health plan coverage of abortion — no mandatory employee coverage of certain procedures — attorney general to enforce — sterilization defined.
- 376.1199. Coverage for certain obstetrical/gynecological services — exclusion of contraceptive coverage permitted, when — rulemaking authority.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Section 376.1199, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 191.724 and 376.1199, to read as follows:

191.724. DISCRIMINATION BASED ON RELIGIOUS BELIEFS OR MORAL CONVICTIONS PROHIBITED, HEALTH PLAN COVERAGE OF ABORTION — NO MANDATORY EMPLOYEE COVERAGE OF CERTAIN PROCEDURES — ATTORNEY GENERAL TO ENFORCE — STERILIZATION DEFINED. — 1. The rights guaranteed under this section are in addition to the rights guaranteed under section 376.805, relating to health plan coverage of abortion, and section 376.1199, relating to health plan coverage of certain obstetrical and gynecological benefits and pharmaceutical coverage.

2. No employee, self-employed person, or any other person shall be compelled to obtain coverage for, or be discriminated against or penalized for declining or refusing coverage for, abortion, contraception, or sterilization in a health plan if such items or procedures are contrary to the religious beliefs or moral convictions of such employee or person.

3. No employer, health plan provider, health plan sponsor, health care provider, or any other person or entity shall be compelled to provide coverage for, or be discriminated against or penalized for declining or refusing coverage for, abortion, contraception, or sterilization in a health plan if such items or procedures are contrary to the religious beliefs or moral convictions of such employer, health plan provider, health plan sponsor, health care provider, person, or entity.

4. No governmental entity, public official, or entity acting in a governmental capacity shall discriminate against or penalize an employee, self-employed person, employer, health plan provider, health plan sponsor, health care provider, or any other person or entity because of such employee's, self-employed person's, employer's, health plan provider's, health plan sponsor's, health care provider's, or other person's or entity's unwillingness, based on religious beliefs or moral convictions, to obtain or provide coverage for, pay for, participate in, or refer for, abortion, contraception, or sterilization in a health plan.

5. Whenever the attorney general has a reasonable cause to believe that any person or entity or group of persons or entities is being, has been, or is threatened to be denied any of the rights granted by this section or other law that protects the religious beliefs or moral convictions of such persons or entities, and such denial raises an issue of general public importance, the attorney general may bring a civil action in any appropriate state or federal court. Such complaint shall set forth the facts and request such appropriate relief, including, but not limited to, an application for a permanent or temporary injunction, restraining order, mandamus, an order under the federal Administrative Procedure Act, Religious Freedom Restoration Act, or other federal law, an order under section 1.302 relating to free exercise of religion, or other order against the governmental entity, public official, or entity acting in a governmental capacity responsible for such denial or threatened denial of rights, as the attorney general deems necessary to ensure the full enjoyment of the rights granted by law. Nothing contained herein shall preclude a private cause of action against a governmental entity, public official, or entity acting in a governmental capacity by any person or entity or group of persons or entities aggrieved by a violation of this section or other law that protects the religious beliefs or moral convictions of such persons or entities, or be considered a limitation on any other remedy permitted by law. A court may order any appropriate relief, including recovery of damages, payment of reasonable attorney's fees, costs, and expenses.

6. For purposes of this section, "sterilization" shall mean any elective medical procedure for which the sole purpose is to make an individual incapable of reproduction.

376.1199. COVERAGE FOR CERTAIN OBSTETRICAL/GYNECOLOGICAL SERVICES — EXCLUSION OF CONTRACEPTIVE COVERAGE PERMITTED, WHEN — RULEMAKING AUTHORITY. — 1. Each health carrier or health benefit plan that offers or issues health benefit plans providing obstetrical/gynecological benefits and pharmaceutical coverage, which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall:

(1) Notwithstanding the provisions of subsection 4 of section 354.618, provide enrollees with direct access to the services of a participating obstetrician, participating gynecologist or participating obstetrician/gynecologist of her choice within the provider network for covered services. The services covered by this subdivision shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician, gynecologist or obstetrician/gynecologist, including but not limited to diagnosis, treatment and referral for such services. A health carrier shall not impose additional co-payments, coinsurance or deductibles upon any enrollee who seeks or receives health care services pursuant to this subdivision, unless similar additional co-payments, coinsurance or deductibles are imposed for other types of health care services received within the provider network. Nothing in this subsection shall be construed to require a health carrier to perform, induce, pay for, reimburse, guarantee, arrange, provide any resources for or refer a patient for an abortion, as defined in section 188.015, other than a spontaneous abortion or to prevent the death of the female upon whom the abortion is performed, or to supersede or conflict with section 376.805; and

(2) Notify enrollees annually of cancer screenings covered by the enrollees' health benefit plan and the current American Cancer Society guidelines for all cancer screenings or notify enrollees at intervals consistent with current American Cancer Society guidelines of cancer screenings which are covered by the enrollees' health benefit plans. The notice shall be delivered by mail unless the enrollee and health carrier have agreed on another method of notification; and

(3) Include coverage for services related to diagnosis, treatment and appropriate management of osteoporosis when such services are provided by a person licensed to practice medicine and surgery in this state, for individuals with a condition or medical history for which bone mass measurement is medically indicated for such individual. In determining whether

testing or treatment is medically appropriate, due consideration shall be given to peer-reviewed medical literature. A policy, provision, contract, plan or agreement may apply to such services the same deductibles, coinsurance and other limitations as apply to other covered services; and

(4) If the health benefit plan also provides coverage for pharmaceutical benefits, provide coverage for contraceptives either at no charge or at the same level of deductible, coinsurance or co-payment as any other covered drug. No such deductible, coinsurance or co-payment shall be greater than any drug on the health benefit plan's formulary. As used in this section, "contraceptive" shall include all prescription drugs and devices approved by the federal Food and Drug Administration for use as a contraceptive, but shall exclude all drugs and devices that are intended to induce an abortion, as defined in section 188.015, which shall be subject to section 376.805. Nothing in this subdivision shall be construed to exclude coverage for prescription contraceptive drugs or devices ordered by a health care provider with prescriptive authority for reasons other than contraceptive or abortion purposes.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Notwithstanding the provisions of subdivision (4) of subsection 1 of this section to the contrary:

(1) Any health carrier [may] **shall offer and** issue to any person or entity purchasing a health benefit plan, a health benefit plan that excludes coverage for contraceptives if the use or provision of such contraceptives is contrary to the moral, ethical or religious beliefs or tenets of such person or entity;

(2) Upon request of an enrollee who is a member of a group health benefit plan and who states that the use or provision of contraceptives is contrary to his or her moral, ethical or religious beliefs, any health carrier shall issue to or on behalf of such enrollee a policy form that excludes coverage for contraceptives. Any administrative costs to a group health benefit plan associated with such exclusion of coverage not offset by the decreased costs of providing coverage shall be borne by the group policyholder or group plan holder;

(3) Any health carrier which is owned, operated or controlled in substantial part by an entity that is operated pursuant to moral, ethical or religious tenets that are contrary to the use or provision of contraceptives shall be exempt from the provisions of subdivision (4) of subsection 1 of this section. For purposes of this subsection, if new premiums are charged for a contract, plan or policy, it shall be determined to be a new contract, plan or policy.

5. Except for a health carrier that is exempted from providing coverage for contraceptives pursuant to this section, a health carrier shall allow enrollees in a health benefit plan that excludes coverage for contraceptives pursuant to subsection 4 of this section to purchase a health benefit plan that includes coverage for contraceptives.

6. Any health benefit plan issued pursuant to subsection 1 of this section shall provide clear and conspicuous written notice on the enrollment form or any accompanying materials to the enrollment form and the group health benefit plan **application and** contract:

(1) Whether coverage for contraceptives is or is not included;

(2) That an enrollee who is a member of a group health benefit plan with coverage for contraceptives has the right to exclude coverage for contraceptives if such coverage is contrary to his or her moral, ethical or religious beliefs; [and]

(3) That an enrollee who is a member of a group health benefit plan without coverage for contraceptives has the right to purchase coverage for contraceptives;

(4) Whether an optional rider for elective abortions has been purchased by the group contract holder pursuant to section 376.805; and

(5) That an enrollee who is a member of a group health plan with coverage for elective abortions has the right to exclude and not pay for coverage for elective abortions if such coverage is contrary to his or her moral, ethical, or religious beliefs. For purposes of this subsection, if new premiums are charged for a contract, plan, or policy, it shall be determined to be a new contract, plan, or policy.

7. Health carriers shall not disclose to the person or entity who purchased the health benefit plan the names of enrollees who exclude coverage for contraceptives in the health benefit plan or who purchase a health benefit plan that includes coverage for contraceptives. Health carriers and the person or entity who purchased the health benefit plan shall not discriminate against an enrollee because the enrollee excluded coverage for contraceptives in the health benefit plan or purchased a health benefit plan that includes coverage for contraceptives.

8. The departments of health and senior services and insurance, financial institutions and professional registration may promulgate rules necessary to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to preserve the religious freedom and moral convictions of persons and entities who provide or obtain health plans or health care for themselves, their employees, patients or others, and because certain actions by the federal government threaten the obtaining or providing of such health plans and health care as of August 1, 2012, the enactment of section 191.724 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 191.724 of this act shall be in full force and effect upon its passage and approval.

Vetoed July 12, 2012

Overridden September 12, 2012

SB 755 [SS SCS SB 755]

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

Creates the crime of disrupting a house of worship and allows for civil penalties for that crime and the crime of institutional vandalism

AN ACT to amend chapter 574, RSMo, by adding thereto one new section relating to crimes involving institutions, with penalty provisions.

SECTION

A. Enacting clause.
574.035. Disrupting a house of worship, crime of — violation, penalty.

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

SECTION A. ENACTING CLAUSE. — Chapter 574, RSMo, is amended by adding thereto one new section, to be known as section 574.035, to read as follows:

574.035. DISRUPTING A HOUSE OF WORSHIP, CRIME OF — VIOLATION, PENALTY. — **1. This section shall be known and may be cited as the "House of Worship Protection Act".**

2. For purposes of this section, "house of worship" means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose.

3. A person commits the crime of disrupting a house of worship if such person:

(1) Intentionally and unreasonably disturbs, interrupts, or disquiets any house of worship by using profane discourse, rude or indecent behavior, or making noise either within the house of worship or so near it as to disturb the order and solemnity of the worship services; or

(2) Intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of religious freedom in or outside of a house of worship or seeking access to a house of worship, whether by force, threat, or physical obstruction.

4. Disrupting a house of worship is a class B misdemeanor. Any second offense is a class A misdemeanor. Any third or subsequent offense is a class D felony.

Approved July 10, 2012

SB 769 [CCS HCS SS SB 769]

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

Requires safety marking on certain anemometer towers

AN ACT to repeal sections 99.845, 135.215, and 135.963, RSMo, and to enact in lieu thereof six new sections relating to state and local standards, with a penalty provision.

SECTION

A. Enacting clause.

99.845. Tax increment financing adoption — division of ad valorem taxes — payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when — other taxes included, amount — supplemental tax increment financing fund established, disbursement.

135.215. Real property improvements exemption from assessment and ad valorem taxes — procedure — maximum period granted — abatement or exemption ceases, when.

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.

321.228. Residential construction regulatory system, preemption of law by local governmental body over fire protection district, when, exceptions.

701.550. Definitions — requirements for towers 50 feet or higher — violation, penalty.

1. Failure to participate in health information organization, no fine or penalty may be imposed — definitions.

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

SECTION A. ENACTING CLAUSE. — Sections 99.845, 135.215, and 135.963, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 99.845, 135.215, 135.963, 321.228, 701.550, and 1, to read as follows:

99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES INCLUDED, AMOUNT — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT. — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement **or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities**, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation

by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of **subsection 1 of section 99.810** have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

135.215. REAL PROPERTY IMPROVEMENTS EXEMPTION FROM ASSESSMENT AND AD VALOREM TAXES — PROCEDURE — MAXIMUM PERIOD GRANTED — ABATEMENT OR EXEMPTION CEASES, WHEN. — 1. Improvements made to "real property" as such term is defined in section 137.010, which are made in an enterprise zone subsequent to the date such zone or expansion thereto was designated, may upon approval of an authorizing resolution 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, provided that, except as to the exemption allowed under subsection 3 of this section, at least fifty new jobs that provide an average of at least thirty-five hours of employment per week per job are created and maintained at the new or expanded facility. 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 the director within thirty calendar days following adoption of the resolution by the governing authority.

2. 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.

3. 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 enterprise zone 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 assembling, fabricating, processing, manufacturing, mining, warehousing or distributing properties.

4. No exemption shall be granted for a period more than twenty-five years following the date on which the original enterprise zone was designated by the department except for any enterprise zone within any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants provided in any instance the exemption shall not be granted for a period longer than twenty-five years from the date on which the exemption was granted.

5. The provisions of subsection 1 of this section shall not apply to improvements made to real property which have been started prior to August 28, 1991.

6. The mandatory 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 and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of section 99.845 unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of section 99.820.

7. Effective August 28, 2004, any abatement or exemption provided for in this section on an individual parcel of real property shall cease after a period of thirty days of business closure, work stoppage, major reduction in force, or a significant change in the type of business conducted at that location. For the purposes of this subsection, "work stoppage" shall not include strike or lockout or time necessary to retool a plant, and "major reduction in force" is defined as a seventy-five percent or greater reduction. Any owner or new owner may reapply, but cannot receive the abatement or exemption for any period of time beyond the original life of the enterprise zone.

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.

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.

321.228. RESIDENTIAL CONSTRUCTION REGULATORY SYSTEM, PREEMPTION OF LAW BY LOCAL GOVERNMENTAL BODY OVER FIRE PROTECTION DISTRICT, WHEN, EXCEPTIONS.

— 1. As used in this section, the following terms shall mean:

(1) "Residential construction", new construction and erection of detached single-family or two-family dwellings or the development of land to be used for detached single-family or two-family dwellings;

(2) "Residential construction regulatory system", any bylaw, ordinance, order, rule, or regulation adopted, implemented, or enforced by any city, town, village, or county that pertains to residential construction, to any permitting system, or program relating to residential construction, including but not limited to the use or occupancy by the initial occupant thereof, or to any system or program for the inspection of residential

construction. Residential construction regulatory system also includes the whole or any part of a nationally recognized model code, with or without amendments specific to such city, town, village, or county.

2. Notwithstanding the provisions of any other law to the contrary, if a city, town, village, or county adopts or has adopted, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection districts wholly or partly located within such city, town, village, or county shall be without power, authority, or privilege to enforce or implement a residential construction regulatory system purporting to be applicable to any residential construction within such city, town, village, or county. Any such residential construction regulatory system adopted by a fire protection district or its board shall be treated as advisory only and shall not be enforced by such fire protection district or its board.

3. Notwithstanding the provisions of any other law to the contrary, fire protection districts:

(1) Shall have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential construction. Nothing in this subdivision shall be construed to require the political subdivision supplying water to incur any costs to modify its water supply infrastructure; and

(2) May inspect the alteration, enlargement, replacement or repair of a detached single-family or two-family dwelling; and

(3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this subsection.

701.550. DEFINITIONS — REQUIREMENTS FOR TOWERS 50 FEET OR HIGHER — VIOLATION, PENALTY. — 1. As used in this section the following terms mean:

(1) "Anemometer", an instrument for measuring and recording the speed of the wind;

(2) "Anemometer tower", a structure, including all guy wires and accessory facilities, that has been constructed solely for the purpose of mounting an anemometer to document whether a site has wind resources sufficient for the operation of a wind turbine generator;

(3) "Area surrounding the anchor point", an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point.

2. Any anemometer tower that is fifty feet in height above the ground or higher that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law, shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before August 28, 2012, shall be marked as required in this section by January 1, 2014. Any anemometer tower that is erected on or after August 28, 2012, shall be marked as required in this section at the time it is erected. Marking required under this section includes marking the anemometer tower, guy wires, and accessory facilities as follows:

(1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;

(2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;

(3) The area surrounding each point where a guy wire is anchored to the ground shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area surrounding the anchor point shall be fenced; and

(4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.

3. A violation of this section is a class B misdemeanor.

SECTION 1. FAILURE TO PARTICIPATE IN HEALTH INFORMATION ORGANIZATION, NO FINE OR PENALTY MAY BE IMPOSED — DEFINITIONS. — 1. No law or rule promulgated by an agency of the state of Missouri may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

2. As used in this section, the following terms shall mean:

(1) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage withholding, or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

(2) "Health care system", any public or private entity whose function or purpose is the management of, processing of, or enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;

(3) "Health information organization", an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized standards.

Approved July 10, 2012

SB 789 [SCS SB 789]

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 DNA profiling by the Missouri State Highway Patrol crime lab and the DNA Profiling Analysis Fund

AN ACT to repeal sections 488.5050, 650.055, and 650.100, RSMo, and to enact in lieu thereof three new sections relating to DNA profiling, with a penalty provision.

SECTION

- A. Enacting clause.
 488.5050. Surcharges on all criminal cases, amount — deposit in general revenue fund or DNA profiling analysis fund, when — expiration date.
 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.
 650.100. Definitions.

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

SECTION A. ENACTING CLAUSE. — Sections 488.5050, 650.055, and 650.100, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 488.5050, 650.055, and 650.100, to read as follows:

488.5050. SURCHARGES ON ALL CRIMINAL CASES, AMOUNT — DEPOSIT IN GENERAL REVENUE FUND OR DNA PROFILING ANALYSIS FUND, WHEN — EXPIRATION DATE. — 1. In addition to any other surcharges authorized by statute, the clerk of each court of this state shall collect the surcharges provided for in subsection 2 of this section.

2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding filed within this state in all criminal cases in which the defendant [pleads guilty or nolo contendere to or is convicted] **is found guilty** of a felony, except when the defendant [pleads guilty or] is found guilty of a class B felony, class A felony, or an unclassified felony, under chapter 195, in which case, the surcharge shall be sixty dollars. A surcharge of fifteen dollars shall be assessed as costs in each court proceeding filed within this state in all **other** criminal cases, except for traffic [violations] **violation** cases in which the defendant [pleads guilty or nolo contendere to or is convicted] **is found guilty** of a misdemeanor.

3. Notwithstanding any other provisions of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

4. [If in the immediate previous fiscal year, the state's general revenue did not increase by two percent or more, the state treasurer shall deposit such moneys or other gifts, grants, or moneys received on a monthly basis into the state general revenue fund. Otherwise the state treasurer shall deposit such moneys in accordance with the provisions of subsection 5 of this section.

5.] The state treasurer shall deposit such moneys or other gifts, grants, or moneys received on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state treasury. The fund shall be administered by the department of public safety. The moneys deposited into the DNA profiling analysis fund shall be used only [for DNA profiling analysis of convicted offender samples performed] **by the highway patrol crime lab** to fulfill the purposes of the DNA profiling system pursuant to section 650.052. 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.

[6.] **5.** The provisions of subsections 1 and 2 of this section shall expire on August 28, [2013] **2019**.

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[, in a Missouri circuit court,] who [pleads guilty to or]:

- (1) Is found guilty of a felony or any offense under chapter 566[.]; or [who]
- (2) Is seventeen years of age or older and [who is] 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 [chapters] **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 [convicted of, pleaded guilty to, or pleaded nolo contendere to an] **found guilty of a felony** offense [in any other jurisdiction which would be considered a qualifying offense as defined in this section if committed in this state, or if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to any equivalent 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.

[2.] **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 [those who have been arrested for, convicted of, pleaded guilty to, or pleaded nolo contendere to felony offenses] **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.

[3.] **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.

[4.] **5.** Unauthorized [uses] **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.

[5.] **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.

[6.] **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.

[7.] **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.

[8. Within ninety days of warrant refusal, the arresting agency shall notify the Missouri state highway patrol crime laboratory which shall expunge all DNA records taken at the arrest for which the warrant was refused in the 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.]

9. An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal. A certified copy of the court order establishing that such conviction has been reversed or guilty plea [or plea of nolo contendere] has been set aside 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) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section[, section 488.5050,] 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 [or plea of nolo contendere] on which the authority for including that person's DNA record or DNA profile was based has been set aside.

(2) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction or setting aside the plea 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) 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) 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.

[9.] **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 [that the charges have been withdrawn, the case has been dismissed, there is a finding that the necessary probable cause does not exist, or the defendant is found not guilty], such crime laboratory [shall expunge the DNA sample and DNA profile of the arrestee within thirty days. Prior to such expungement, the state highway patrol 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 [and retained prior to expungement under this subsection]. **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.**

650.100. DEFINITIONS. — As used in this chapter, the following words shall have the following meanings unless a different meaning clearly appears from the context:

(1) "Central repository", [is] the location where all DNA samples collected from individuals [defined in] **under** section 650.055 will be maintained and analyzed; where all authorized DNA profiles uploaded to the state's database will be maintained; and from where all authorized DNA profiles will be uploaded to the national DNA database;

(2) "CODIS", the Federal Bureau of Investigation's Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local DNA crime laboratories. The term "CODIS" includes the National DNA Index System administered and operated by the Federal Bureau of Investigation;

(3) "Crime laboratory", a laboratory operated or supported financially by the state or any unit of city, county, or other local Missouri government that employs at least one scientist, who examines physical evidence in criminal matters and provides expert or opinion testimony with respect to such physical evidence in a state court of law;

(4) "Department", the Missouri department of public safety;

(5) "DNA", deoxyribonucleic acid. DNA is located in the cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification;

(6) "DNA profile" refers to the collective results of all DNA identification analyses on an individual's DNA sample;

(7) "DNA record", the DNA identification information stored in the state DNA database or CODIS. The DNA record is the result obtained from the DNA analysis. The DNA record is comprised of the characteristics of a DNA sample, which are of value in establishing the identity of individuals, the DNA profile as well as data required to manage and operate the state's DNA database, to include the specimen identification number;

(8) "DNA sample", a biological sample provided by any person with respect to offenses covered by section 650.055 or submitted to the Missouri state highway patrol crime laboratory pursuant to sections 650.050 to 650.100 for analysis or storage or both;

(9) "**Expunge**", **to destroy an individual's DNA sample and remove the DNA record from the state DNA database;**

(10) "Forensic DNA analysis", the identification and evaluation of biological evidence in criminal matters using DNA technologies;

[(10)] **(11)** "Local funds", any funds not provided by the federal government.

Approved July 9, 2012

SB 835 [SCS SB 835]

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

Modifies references to fireworks classifications

AN ACT to repeal sections 320.106, 320.131, and 320.136, RSMo, and to enact in lieu thereof three new sections relating to fireworks, with an emergency clause.

SECTION

- A. Enacting clause.
- 320.106. Definitions.
- 320.131. Possession, sale and use of certain fireworks prohibited — restrictions — label required — items not regulated.
- 320.136. Ground salutes, special type, prohibited.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 320.106, 320.131, and 320.136, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 320.106, 320.131, and 320.136, to read as follows:

320.106. DEFINITIONS. — As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

- (1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard which may amend or supersede this standard for manufacturers, importers and distributors of fireworks;
- (2) "Chemical composition", all pyrotechnic and explosive composition contained in fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;
- (3) "Consumer fireworks", explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, [1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation] **within 49 CFR Part 172;**
- (4) "Discharge site", the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;
- (5) "Dispenser", a device designed for the measurement and delivery of liquids as fuel;
- (6) "Display fireworks", explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, **UN0333 or UN0334 or UNO335**, [1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation] **within 49 CFR Part 172;**

(7) "Display site", the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;

(8) "Distributor", any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in sections 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner into the state of Missouri;

(9) "Fireworks", any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations[, and American Pyrotechnics Association 87-1 standards];

(10) "Fireworks season", the period beginning on the twentieth day of June and continuing through the tenth day of July of the same year and the period beginning on the twentieth day of December and continuing through the second day of January of the next year, which shall be the only periods of time that seasonal retailers may be permitted to sell consumer fireworks;

(11) "Jobber", any person engaged in the business of making sales of consumer fireworks at wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution outside the state of Missouri during a calendar year from the first day of January through the thirty-first day of December;

(12) "Licensed operator", any person who supervises, manages, or directs the discharge of outdoor display fireworks, either by manual or electrical means; who has met additional requirements established by promulgated rule and has successfully completed a display fireworks training course recognized and approved by the state fire marshal;

(13) "Manufacturer", any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state of Missouri;

(14) "NFPA", National Fire Protection Association, an international codes and standards organization;

(15) "Permanent structure", buildings and structures with permanent foundations other than tents, mobile homes, and trailers;

(16) "Permit", the written authority of the state fire marshal issued pursuant to sections 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

(17) "Person", any corporation, association, partnership or individual or group thereof;

(18) "Proximate fireworks", a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation, as [defined by the most current edition of the American Pyrotechnics Association (APA), Standard 87-1, section 3.8, specific requirements for theatrical pyrotechnics] **classified within 49 CFR Part 172 as UN0431 or UN0432;**

(19) "Pyrotechnic operator" or "special effects operator", an individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects for proximate fireworks and who has met additional requirements established by promulgated rules and has successfully completed a proximate fireworks training course recognized and approved by the state fire marshal;

(20) "Sale", an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;

(21) "Seasonal retailer", any person within the state of Missouri engaged in the business of making sales of consumer fireworks in Missouri only during a fireworks season as defined by subdivision (10) of this section;

(22) "Wholesaler", any person engaged in the business of making sales of consumer fireworks to any other person engaged in the business of making sales of consumer fireworks at retail within the state of Missouri.

320.131. POSSESSION, SALE AND USE OF CERTAIN FIREWORKS PROHIBITED — RESTRICTIONS — LABEL REQUIRED — ITEMS NOT REGULATED. — 1. It is unlawful for any person to possess, sell or use within the state of Missouri, or ship into the state of Missouri, except as provided in section 320.126, any pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in subdivision (3) of section 320.106 other than items now or hereafter classified as fireworks UNO336, 1.4G by the United States Department of Transportation that comply with the construction, chemical composition, labeling and other regulations relative to consumer fireworks regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public pursuant to such commission's regulations.

2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for sale, store, display, or have in their possession any consumer fireworks that have not been approved as fireworks UNO336, 1.4G by the United States Department of Transportation.

3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any other person, in this state for the purpose of resale, or use, in this state, any consumer fireworks which do not have the numbers and letter "1.4G" printed within an orange, diamond-shaped label printed on or attached to the fireworks shipping carton.

4. This section does not prohibit a manufacturer, distributor or any other person **possessing the proper permits as specified by state and federal law** from storing, selling, shipping or otherwise transporting display or proximate fireworks], defined as fireworks UNO335, 1.3G/UNO431, 1.4G or UNO432, 1.4S by the United States Department of Transportation, provided they possess the proper permits as specified by state and federal law].

5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound, provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provisions of sections 320.106 to 320.161.

320.136. GROUND SALUTES, SPECIAL TYPE, PROHIBITED. — Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's", and any other tubular salutes or any items described as prohibited chemical components or forbidden devices as listed in the American Pyrotechnics Association Standard 87-1 or which exceed the [federal] limits set for **consumer** fireworks [UNO336, 1.4G formerly known as class C common fireworks, display fireworks UNO335, 1.3F, and proximate fireworks UNO431, 1.4F/UNO432, 1.4S by the United States Department of Transportation], **display fireworks, or proximate fireworks** for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, or use within the state of Missouri for consumer use. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of section 571.020.

SECTION B. EMERGENCY CLAUSE. — Because of the need to update state law to match federal law, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved June 11, 2012

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HB 1219 [HB 1219]**Changes the laws regarding unlawful discriminatory employment practices as they relate to the Missouri Human Rights Act and establishes the Whistleblower Protection Act**

AN ACT to repeal sections 213.010, and 213.111, RSMo, and to enact in lieu thereof three new sections relating to unlawful discriminatory practices.

Vetoed March 16, 2012

HB 1250 [HB 1250]**Changes the laws regarding elections**

AN ACT to repeal sections 77.080, 78.090, and 115.123, RSMo, and to enact in lieu thereof four new section relating to elections.

Vetoed July 12, 2012

HB 1329 [SS HCS HB 1329]**Changes the laws regarding motor vehicles**

AN ACT to repeal sections 32.087, 144.069, 144.757, and 301.140, RSMo, and to enact in lieu thereof five new sections relating to the regulation of motor vehicles, with an emergency clause and a contingent effective date for a certain section.

Vetoed July 12, 2012

HB 1758 [SCS HCS HB 1758]**Changes the laws regarding child custody, visitation rights, and adoption**

AN ACT to repeal section 453.005, RSMo, and to enact in lieu thereof two new sections relating to rights of persons with parental relationships.

Vetoed July 12, 2012

HB 1789 [SCS HCS HB 1789]**Changes the laws regarding travel hardships for public school students**

AN ACT to repeal sections 162.431 and 167.121, RSMo, and to enact in lieu thereof three new sections relating to travel hardships of public school pupils.

Vetoed June 27, 2012

HB 1900 [HCS HB 1900]**Changes the laws regarding executive branch reorganization, tax increment financing, annexation, employees, service dogs, and accessible parking and establishes the Iran Energy Divestment Act**

AN ACT to repeal sections 3.060, 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 37.005, 37.010, 37.020, 37.110, 71.012, 71.014, 71.015, 99.845, 160.545, 161.418, 161.424, 181.110, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.935, 196.1103, 209.150, 209.152, 209.200, 209.202, 209.251, 217.575, 251.100, 251.240, 253.320, 261.010, 288.034, 301.020, 301.143, 302.171, 304.028, 311.650, 313.210, 320.260, 334.125, 361.010, 595.036, 595.037, 595.060, 610.029, 610.120, 620.1100, 620.1580, and 660.315, RSMo, and to enact in lieu thereof eighty new sections for the sole purpose of restructuring statutes based on executive branch reorganizations, with penalty provisions.

Vetoed June 20, 2012

SB 566 [SCS SB 566]**Requires dogs and cats to be vaccinated against rabies**

AN ACT to amend chapter 322, RSMo, by adding thereto one new section relating to vaccination of dogs and cats against rabies.

Vetoed July 12, 2012

SB 569 [CCS HCS SCS SB 569]**Modifies the dates available for public elections**

AN ACT to repeal sections 67.1860, 67.1862, 67.1864, 67.1866, 67.1868, 67.1870, 67.1872, 67.1874, 67.1878, 67.1880, 67.1886, 67.1888, 67.1894, 67.1890, 67.1892, 67.1896, 67.1898, 78.090, 79.070, 99.845, 115.091, 115.123, 115.241, and 115.637, RSMo, and to enact in lieu thereof nineteen new sections relating to elections, with existing penalty provisions.

Vetoed July 12, 2012

SB 572 [SS SCS SB 572]**Modifies the law relating to workers' compensation**

AN ACT to repeal sections 287.067, 287.120, 287.150, and 287.240, RSMo, and to enact in lieu thereof four new sections relating to workers' compensation.

Vetoed March 16, 2012

Senate voted to override March 29, 2012

SB 607 [SS SB 607]**Establishes procedure for resetting billboards during periods of highway construction**

AN ACT to amend chapter 226, RSMo, by adding thereto one new section relating to the regulation of outdoor advertising.

Vetoed July 12, 2012

SB 635 [CCS HCS SCS SB 635]**Repeals redundant provisions that allow certain securities to be acceptable collateral for public deposits**

AN ACT to repeal sections 30.270, 34.070, 178.530, 228.368, 301.600, 306.400, 339.500, 339.501, 339.503, 339.505, 339.509, 339.511, 339.513, 339.515, 339.517, 339.525, 339.527, 339.529, 339.532, 339.533, 339.535, 339.537, 339.541, 339.543, 339.545, 339.549, 339.1100, 339.1105, 339.1110, 339.1115, 339.1120, 339.1125, 339.1130, 339.1135, 339.1140, 339.1145, 339.1150, 339.1155, 339.1160, 339.1170, 339.1175, 339.1180, 339.1185, 339.1190, 339.1200, 339.1205, 339.1210, 339.1215, 339.1220, 339.1230, 339.1235, 339.1240, 362.333, and 400.9-311, RSMo, and to enact in lieu thereof thirty-four new sections relating to financial transactions, with penalty provisions and an emergency clause for a certain section.

Vetoed July 12, 2012

SB 715 [SCS SB 715]**Allows the Adjutant General to waive the age limit for service in the state militia**

AN ACT to repeal sections 40.435 and 41.050, RSMo, and to enact in lieu thereof one new section relating to the state militia.

Vetoed July 12, 2012

SB 749 [CCS HCS SS SB 749]**Provides protections for religious beliefs as to the imposition of certain health care services such as abortion, contraception, or sterilization**

AN ACT to repeal section 376.1199, RSMo, and to enact in lieu thereof two new sections relating to the protection of the religious beliefs and moral convictions of certain persons and entities, with an emergency clause.

Vetoed July 12, 2012
Overridden September 12, 2012

SB 837 [SCS SB 837]**Modifies what is considered to be a franchise between alcohol wholesalers and suppliers**

AN ACT to repeal section 407.400, RSMo, and to enact in lieu thereof one new section relating to franchises.

Vetoed July 12, 2012

SB 749 [CCS HCS SS SB 749]

Provides protections for religious beliefs as to the imposition of certain health care services such as abortion, contraception, or sterilization

AN ACT to repeal section 376.1199, RSMo, and to enact in lieu thereof two new sections relating to the protection of the religious beliefs and moral convictions of certain persons and entities, with an emergency clause.

Vetoed July 12, 2012

Overridden September 12, 2012

See page 952 of Senate Bills for text of this bill.

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ADOPTED AUGUST 7, 2012

HOUSE JOINT RESOLUTION 2 [HJR 2]

CONSTITUTIONAL AMENDMENT NO. 2. — (Proposed by the 96th General Assembly, First Regular Session, HJR 2)

Shall the Missouri Constitution be amended to ensure:

- That the right of Missouri citizens to express their religious beliefs shall not be infringed;
- That school children have the right to pray and acknowledge God voluntarily in their schools; and
- That all public schools shall display the bill of Rights of the United States Constitution.

It is estimated this proposal will result in little or no costs or savings to state and local governmental entities.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

SECTION

- A. Enacting clause.
5. Religious freedom — liberty of conscience and belief — limitations — right to pray — academic religious freedoms and prayer.
- B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Section 5, article I, Constitution of Missouri, is repealed and one new section 2 adopted in lieu thereof, to be known as section 5, to read as follows:

SECTION 5. RELIGIOUS FREEDOM—LIBERTY OF CONSCIENCE AND BELIEF — LIMITATIONS — RIGHT TO PRAY — ACADEMIC RELIGIOUS FREEDOMS AND PRAYER.—That all men **and women** have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences; that no human authority can control or interfere with the rights of conscience; that no person shall, on account of his **or her** religious persuasion or belief, be rendered ineligible to any public office or trust or profit in this state, be disqualified from testifying or serving as a juror, or be molested in his **or her** person or estate; **that to secure a citizen's right to acknowledge Almighty God according to the dictates of his or her own conscience, neither the state nor any of its political subdivisions shall establish any official religion, nor shall a citizen's right to pray or express his or her religious beliefs be**

infringed; that the state shall not coerce any person to participate in any prayer or other religious activity, but shall ensure that any person shall have the right to pray individually or corporately in a private or public setting so long as such prayer does not result in disturbance of the peace or disruption of a public meeting or assembly; that citizens as well as elected officials and employees of the state of Missouri and its political subdivisions shall have the right to pray on government premises and public property so long as such prayers abide within the same parameters placed upon any other free speech under similar circumstances; that the General Assembly and the governing bodies of political subdivisions may extend to ministers, clergypersons, and other individuals the privilege to offer invocations or other prayers at meetings or sessions of the General Assembly or governing bodies; that students may express their beliefs about religion in written and oral assignments free from discrimination based on the religious content of their work; that no student shall be compelled to perform or participate in academic assignments or educational presentations that violate his or her religious beliefs; that the state shall ensure public school students their right to free exercise of religious expression without interference, as long as such prayer or other expression is private and voluntary, whether individually or corporately, and in a manner that is not disruptive and as long as such prayers or expressions abide within the same parameters placed upon any other free speech under similar circumstances; and, to emphasize the right to free exercise of religious expression, that all free public schools receiving state appropriations shall display, in a conspicuous and legible manner, the text of the Bill of Rights of the Constitution of the United States; but this section shall not be construed to expand the rights of prisoners in state or local custody beyond those afforded by the laws of the United States, excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of the state, or with the rights of others.

SECTION B. BALLOT TITLE. — Pursuant to Chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the General Assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in Section A shall be as follows:

"Shall the Missouri Constitution be amended to ensure:

- That the right of Missouri citizens to express their religious beliefs shall not be infringed;
- That school children have the right to pray and acknowledge God voluntarily in their schools; and
- That all public schools shall display the Bill of Rights of the United States Constitution."

Adopted August 7, 2012
Effective September 7, 2012.

(For — 780,567; Against — 162,631)

**PROPOSED AMENDMENT TO THE
CONSTITUTION OF MISSOURI**

SJR 51 [SCS SJR 51]

Modifies the composition of Appellate Judicial Commission and number of nominees for vacancies

CONSTITUTIONAL AMENDMENT NO. 3. — (Proposed by the 96th General Assembly, Second Regular Session, SJR 51)

Shall the Missouri Constitution be amended to change the current nonpartisan selection of supreme court and court of appeals judges to a process that gives the governor increased authority to:

- appoint a majority of the commission that selects these court nominees; and
- appoint all lawyers to the commission by removing the requirement that the governor's appointees be nonlawyers?

There are no estimated costs or savings expected if this proposal is approved by voters.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing sections 25(a) and 25(d) of article V of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to nonpartisan selection of judges.

SECTION

- A. Enacting clause.
- 25(a). Nonpartisan selection of judges — courts subject to plan — appointments to fill vacancies.
- 25(d). Nonpartisan judicial commissions — number, qualifications, selection and terms of members — majority rule — reimbursement of expenses — rules of supreme court.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article V of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Sections 25(a) and 25(d), article V, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 25(a) and 25(d), to read as follows:

SECTION 25(a). NONPARTISAN SELECTION OF JUDGES — COURTS SUBJECT TO PLAN — APPOINTMENTS TO FILL VACANCIES. — Whenever a vacancy shall occur in the office of [judge of any of the following courts of this state, to wit: The supreme court, the court of appeals, or in the office of] circuit or associate circuit judge within the city of St. Louis [and], Jackson County **or any other circuit electing under section 25(b) to have their circuit and associate circuit judges appointed**, the governor shall fill such vacancy by appointing one of three persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a nonpartisan judicial commission established and organized as hereinafter provided. **Whenever a vacancy shall occur in the office of judge of the supreme court or the court of appeals, the governor shall fill such vacancy by appointing one of four persons possessing the qualifications for such office, who shall be nominated and**

whose names shall be submitted to the governor by a nonpartisan judicial commission established and organized as hereinafter provided. If the governor fails to appoint any of the nominees within sixty days after the list of nominees is submitted, the nonpartisan judicial commission making the nomination shall appoint one of the nominees to fill the vacancy.

SECTION 25(d). NONPARTISAN JUDICIAL COMMISSIONS—NUMBER, QUALIFICATIONS, SELECTION AND TERMS OF MEMBERS—MAJORITY RULE—REIMBURSEMENT OF EXPENSES—RULES OF SUPREME COURT— Nonpartisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 25(a)-(g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of the court of appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of circuit judge or associate circuit judge of any circuit court subject to the provisions of sections 25(a)-(g) there shall be one such commission, to be known as "The Circuit Judicial Commission", for each judicial circuit which shall be subject to the provisions of sections 25(a)-(g);]. The appellate judicial commission shall consist of [a judge of the supreme court selected by the members of the supreme court, and the remaining members shall be chosen in the following manner:] **seven voting members and one nonvoting member. The members of the supreme court shall select a former judge, who has not lost a retention election or been removed for cause, of the court of appeals or the supreme court to serve as the nonvoting member of the commission. Nonvoting members shall be selected for terms of four years, with the first term beginning January 15, 2013.** The members of the bar of this state residing in each court of appeals district shall elect one of their number to serve as a **voting** member of said commission[, and]. The governor shall appoint [one citizen, not a member of the bar] **four citizens, one** from [among the residents of] each court of appeals district **and one from the state at-large, to serve as [a member] voting members** of said commission[, and]. **The terms of appointed members and of the supreme court judge member of the appellate judicial commission serving on January 15, 2013, shall end on that day. The governor shall appoint two members to the commission for terms ending January 15, 2015, and appoint two members for terms ending January 15, 2017. The terms of all subsequently appointed commission members shall end four years after the termination of the prior term. Vacancies occurring in unexpired terms shall be filled for the remainder of the unexpired term.** The **voting** members of the commission shall select one of [their number] **the voting members** to serve as chairman. Each circuit judicial commission shall consist of five members, one of whom shall be the chief judge of the district of the court of appeals within which the judicial circuit of such commission, or the major portion of the population of said circuit is situated and the remaining four members shall be chosen in the following manner: The members of the bar of this state residing in the judicial circuit of such commission shall elect two of their number to serve as members of said commission, and the governor shall appoint two citizens, not members of the bar, from among the residents of said judicial circuit to serve as members of said commission, the members of the commission shall select one of their number to serve as chairman; and the terms of office of the members of such commission shall be fixed by law, but no law shall increase or diminish the term of any member then in office. No member of any [such] commission other than a judge shall hold any public office, and no member shall hold any official position in a political party. Every [such] commission may act only by the concurrence of a majority of its **voting** members. The members of [such commission] **commissions** shall receive no salary or other compensation for their services but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All [such] commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the supreme court shall promulgate.

PROPOSED REFERENDUM — NOVEMBER 6, 2012

PROPOSITION E. — (Proposed by the 96th General Assembly (Second Regular Session) SS SB 464)

Official Ballot Title:

Shall Missouri law be amended to prohibit the Governor or any state agency, from establishing or operating state-based health insurance exchanges unless authorized by a vote of the people or by the legislature?

No direct costs or savings for state and local governmental entities are expected from this proposal. Indirect costs or savings related to enforcement actions, missed federal funding, avoided implementation costs, and other issues are unknown.

Fair Ballot Language:

A “yes” vote will amend Missouri law to deny individuals, families, and small businesses the ability to access affordable health care plans through a state-based health benefit exchange unless authorized by statute, initiative or referendum or through an exchange operated by the federal government as required by the federal health care act.

A “no” vote will not change the current Missouri law regarding access to affordable health care plans through a state-based health benefit exchange.

If passed, this measure will have no impact on taxes.

SB 464 [SS SB 464]

AN ACT to amend chapter 376, RSMo, by adding thereto one new section relating to the authority for creating and operating health insurance exchanges in Missouri, with a referendum clause.

SECTION

- A. Enacting clause.
- 376.1186. State-based health benefit exchanges prohibited without statutory authority — executive order to establish prohibited — state agency restrictions — taxpayer standing — definitions.
- B. Referendum clause.

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

SECTION A. ENACTING CLAUSE. — Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1186, to read as follows:

376.1186. STATE-BASED HEALTH BENEFIT EXCHANGES PROHIBITED WITHOUT STATUTORY AUTHORITY — EXECUTIVE ORDER TO ESTABLISH PROHIBITED — STATE AGENCY RESTRICTIONS — TAXPAYER STANDING — DEFINITIONS. — 1. No state-based health benefit exchange may be established, created, or operated within this state in order to implement Section 1311 of the federal health care act, 42 U.S.C. Section 18031, or any

other provision of the federal health care act that relates to the creation and operation of a state-based health benefit exchange, unless the authority to create or operate such an exchange is enacted into law through:

- (1) A bill as prescribed by Article III of the Missouri Constitution;
- (2) An initiative petition as prescribed by Article III, Section 50 of the Missouri Constitution; or
- (3) A referendum as prescribed by Article III, Section 52(a) of the Missouri Constitution.

2. In no case shall the authority for establishing, administering, or operating a state-based health benefit exchange in Missouri be based upon an executive order issued by the governor of Missouri.

3. No department, agency, instrumentality or political subdivision of the state of Missouri shall establish any program, promulgate any rule, policy, guideline or plan or change any program, rule, policy or guideline to implement, establish, create, administer or otherwise operate a state-based health benefit exchange described in the federal health care act unless such department, agency, instrumentality or political subdivision has received statutory authority to do so in a manner consistent with subsection 1 of this section. No department, agency, instrumentality or political subdivision of the state of Missouri shall act as an eligible entity as described in Section 1311(f)(3)(B) of the federal health care act to perform one or more of the responsibilities of a state-based health benefit exchange unless authorized by statute or a regulation validly promulgated pursuant to such statute.

4. No department, agency, instrumentality, or political subdivision of this state shall apply for, accept or expend federal moneys related to the creation, implementation or operation of a state-based health benefit exchange or a federally-facilitated health benefit exchange unless such acceptance or expenditure is authorized by statute or an appropriations bill.

5. No department, agency, instrumentality, political subdivision, public officer or employee of this state shall enter into any agreement or any obligation to establish, administer, or operate a federally-facilitated health benefit exchange described in Section 1321(c)(1) of the federal health care act unless such department, agency, instrumentality, political subdivision, public officer or employee of this state has received statutory authority to enter into such agreements or obligations. No department, agency, instrumentality, political subdivision, public officer or employee of this state shall provide assistance or resources of any kind to any department, agency, public official, employee or agent of the federal government related to the creation or operation of a federally-facilitated health benefit exchange unless such assistance or resources are authorized by state statute or a regulation promulgated thereto or such assistance or resources are specifically required by federal law.

6. Any taxpayer of this state or any member of the general assembly shall have standing to bring suit against the state of Missouri or any official, department, division, agency, or political subdivision of this state which is in violation of this section in any court with jurisdiction to enforce the provisions of this section. The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the taxpayer or member of the general assembly if the court finds that the provisions of this section have been violated. Such attorney's fees, court costs, and reasonable expenses shall be paid from funds appropriated to the department, division, agency, or any political subdivision of this state determined to have violated, in whole or in part, the provisions of this section. In no case shall the award of attorney's fees, court costs, or reasonable expenses be paid from the legal defense fund, nor shall any department, division, agency, or political subdivision of this state request, or be granted, additional appropriations in order to satisfy an award made under this section.

7. As used in this section, the term "federal health care act" shall mean the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments thereto, or regulations or guidance issued under such federal acts.

8. As used in this section, the term "state-based health benefit exchange" means a governmental agency or non-profit entity established by the state of Missouri and not the federal government that meets the applicable requirements of Section 1311 of the federal health care act and regulations promulgated thereto and makes qualified health care plans available to qualified individuals and qualified employers. The term "state-based health benefit exchange" includes regional or other interstate exchanges and subsidiary exchanges as described in Section 1311(f)(1) and (2) of the federal health care act. The term "federally-facilitated health benefit exchange" means a health benefit exchange established and operated by the Secretary of Health and Human Services under Section 1321(c)(1) of the federal health care act, either directly or through agreement with a not-for-profit entity.

SECTION B. REFERENDUM CLAUSE. — This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2012, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

Subject to Voter Approval on November 6, 2012

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PROPOSED INITIATIVE PETITIONS

Official Ballot Title
Proposition A

[Proposed by Initiative Petition]

Official Ballot Title:

Shall Missouri law be amended to:

- allow any city not within a county (the City of St. Louis) the option of transferring certain obligations and control of the city's police force from the board of police commissioners currently appointed by the governor to the city and establishing a municipal police force;
- establish certain procedures and requirements for governing such a municipal police force including residency, rank, salary, benefits, insurance, and pension; and
- prohibit retaliation against any employee of such municipal police force who reports conduct believed to be illegal to a superior, government agency, or the press?

State governmental entities estimated savings will eventually be up to \$500,000 annually. Local governmental entities estimated annual potential savings of \$3.5 million; however, consolidation decisions with an unknown outcome may result in the savings being more or less than estimated.

Fair Ballot Language:

A **“yes”** vote will amend Missouri law to allow any city not within a county (the City of St. Louis) the option of establishing a municipal police force by transferring certain obligations and control of the city's police force from the board of police commissioners currently appointed by the governor to the city. This amendment also establishes certain procedures and requirements for governing such a municipal police force including residency, rank, salary, benefits, insurance, and pension. The amendment further prohibits retaliation against any employee of such municipal police force who reports conduct believed to be illegal to a superior, government agency, or the press.

A **“no”** vote will not change the current Missouri law regarding St. Louis City's police force.

If passed, this measure will have no impact on taxes.

PROPOSITION A**Statutory Amendment to RSMo Chapters 83, 84, 86 and 105,
Relating to Municipal Police Force, Version 7
2012-88**

Be it enacted by the people of the State of Missouri as follows:

Sections 84.010 and 84.220 are repealed, Sections 86.200, 86.213, and 105.726 are amended, and seven new sections are enacted, to be known as Sections 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, and 84.347, to read as follows:

84.341. No elected or appointed official of the state or any political subdivision thereof shall act or refrain from acting in any manner to impede, obstruct, hinder, or otherwise interfere with any member of a municipal police force established under sections 84.343 to 84.346 in the performance of his or her job duties, or with any aspect of any investigation arising from the performance of such job duties. This section shall not be construed to prevent such officials from acting within the normal course and scope of their employment or from acting to implement sections 84.343 to 84.346. Any person who violates this section shall be liable for a penalty of two thousand five hundred dollars for each offense and shall forever be disqualified from holding any office or employment whatsoever with the governmental entity the person served at the time of the violation. The penalty shall not be paid by the funds of any committee as the term "committee" is defined in section 130.011. This section shall not be construed to interfere with the punishment, under any laws of this state, of a criminal offense committed by such officials, nor shall this section apply to duly appointed members of the municipal police force, or their appointing authorities, whose conduct is otherwise provided for by law.

84.342. 1. It shall be an unlawful employment practice for an official, employee, or agent of a municipal police force established under sections 84.343 to 84.346 to discharge, demote, reduce the pay of, or otherwise retaliate against an employee of the municipal police force for reporting to any superior, government agency, or the press the conduct of another employee that the reporting employee believes, in good faith, is illegal.

2. Any employee of the municipal police force may bring a cause of action for general or special damages based on a violation of this section.

84.343. 1. Subject to the provisions of sections 84.344 to 84.346, any city not within a county may establish a municipal police force for the purposes of:

- (1) Preserving the public peace, welfare, and order;
- (2) Preventing crime and arresting suspected offenders;
- (3) Enforcing the laws of the state and ordinances of the city;
- (4) Exercising all powers available to a police force under generally applicable state law;

and

(5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said city.

2. Any person who acts as a private watchman, private detective, or private policeman in said cities without having obtained a written license from said cities is guilty of a class A misdemeanor.

84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years of service that such commissioned and civilian personnel had with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

6. Commissioned and civilian personnel who were previously employed by the board shall continue to be subject, throughout their employment for the city not within a county, to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing them to maintain a primary residence outside the city not within a county so long as the residence is located within a one-hour response time.

7. The commissioned and civilian personnel who retire from service with the board of police commissioners before the establishment of a municipal police force under subsection 1 of this section shall continue to be entitled to the same pension benefits provided under chapter 86 and the same benefits set forth in subsection 5 of this section.

8. If the city not within a county elects to establish a municipal police force under this section, the city shall establish a separate division for the operation of its municipal police force. The civil service commission of the city may adopt rules and regulations appropriate for the unique operation of a police department. Such rules and regulations shall reserve exclusive authority over the disciplinary process and procedures affecting commissioned officers to the civil service commission; however, until such time as the city adopts such rules and regulations, the commissioned personnel shall continue to be governed by the board of police commissioner's rules and regulations in effect immediately prior to the establishment of the municipal police force, with the police chief acting in place of the board of police commissioners for purposes of applying the rules and regulations. Unless otherwise provided for, existing civil service commission rules and regulations governing the appeal of disciplinary decisions to the civil service commission shall apply to all commissioned and

civilian personnel. The civil service commission's rules and regulations shall provide that records prepared for disciplinary purposes shall be confidential, closed records available solely to the civil service commission and those who possess authority to conduct investigations regarding disciplinary matters pursuant to the civil service commission's rules and regulations. A hearing officer shall be appointed by the civil service commission to hear any such appeals that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination, but the civil service commission shall make the final findings of fact, conclusions of law, and decision which shall be subject to any right of appeal under chapter 536.

9. A city not within a county that establishes and maintains a municipal police force under this section:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical, and disability coverage for commissioned and civilian personnel of the municipal police force to the same extent as was provided by the board of police commissioners under section 84.160;

(2) Shall provide or contract for medical and life insurance coverage for any commissioned or civilian personnel who retired from service with the board of police commissioners or who were employed by the board of police commissioners and retire from the municipal police force of a city not within a county to the same extent such medical and life insurance coverage was provided by the board of police commissioners under section 84.160;

(3) Shall make available medical and life insurance coverage for purchase to the spouses or dependents of commissioned and civilian personnel who retire from service with the board of police commissioners or the municipal police force and deceased commissioned and civilian personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living; and

(4) May pay an additional shift differential compensation to commissioned and civilian personnel for evening and night tours of duty in an amount not to exceed ten percent of the officer's base hourly rate.

10. A city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall establish a transition committee of five members for the purpose of: coordinating and implementing the transition of authority, operations, assets, and obligations from the board of police commissioners to the city; winding down the affairs of the board; making nonbinding recommendations for the transition of the police force from the board to the city; and other related duties, if any, established by executive order of the city's mayor. Once the ordinance referenced in section 84.344 is enacted, the city shall provide written notice to the board of police commissioners and the governor of the State of Missouri. Within thirty days of such notice, the mayor shall appoint three members to the committee, two of whom shall be members of a statewide law enforcement association that represents at least five thousand law enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force and a person who currently or previously served as a commissioner on the board of police commissioners, who shall be appointed to the committee by the mayor of such city.

84.345. 1. Except as required for the board of police commissioners to conclude its affairs and pursue legal claims and defenses, upon the establishment of a municipal police force, the terms of office of the commissioners of the board of police created under sections 84.020 and 84.030 shall expire, and the provisions of sections 84.010 to 84.340 shall not apply to any city not within a county or its municipal police force as of such date. The board shall continue to operate, if necessary, to wind down the board's affairs until the transfer of ownership and obligations under subsection 2 of section 84.344 has been completed. During such time, the board of police commissioners shall designate and authorize its secretary to act

on behalf of the board for purposes of performing the board's duties and any other actions incident to the transfer and winding down of the board's affairs.

2. For any claim, lawsuit, or other action arising out of actions occurring before the date of completion of the transfer provided under subsection 2 of section 84.344, the state shall continue to provide legal representation as set forth in section 105.726, and the state legal expense fund shall continue to provide reimbursement for such claims under section 105.726. This subsection applies to all claims, lawsuits, and other actions brought against any commissioner, police officer, employee, agent, representative, or any individual or entity acting or purporting to act on its or their behalf.

3. Notwithstanding any other provision of law, rule, or regulation to the contrary, any city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall not be restricted or limited in any way in the selection of a police chief or chief of the division created under subsection 8 of section 84.344.

4. It shall be the duty of the sheriff for any city not within a county, whenever called upon by the police chief of the municipal police force, to act under the police chief's control for the preservation of the public peace and quiet; and, whenever the exigency or circumstances may, in the police chief's judgment, warrant it, said police chief shall have the power to assume the control and command of all local and municipal conservators of the peace of the city, whether sheriff, constable, policemen or others, and they shall act under the orders of the said police chief and not otherwise.

84.346. Any police pension system created under chapter 86 for the benefit of a police force established under sections 84.010 to 84.340 shall continue to be governed by chapter 86, and shall apply to any police force established under section 84.343 to 84.346. Other than any provision that makes chapter 86 applicable to a municipal police force established under section 84.343 to 84.346, nothing in sections 84.343 to 84.346 shall be construed as limiting or changing the rights or benefits provided under chapter 86.

84.347. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 84.343 to 84.346 shall be non-severable. If any provision of sections 84.343 to 84.346 is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.

86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Earnable compensation", the annual salary which a member would earn during one year on the basis of the member's rank or position as specified in the applicable salary matrix [in section 84.160,] plus any additional compensation for academic work [as provided in subsection 7 of section 84.160, plus] and shift differential [as provided in subdivision (4) of subsection 8 of section 84.160] that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the

amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

- (a) The last day of the plan year that includes August 28, 1995; or
- (b) December 31, 1995;
- (10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;
- (11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;
- (12) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;
- (13) "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;
- (14) "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;
- (15) "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;
- (16) "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force [for which the annual salary is listed in section 84.160];
- (17) "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;
- (18) "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;
- (19) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;
- (20) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;
- (21) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.213. 1. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.200 to 86.366 are hereby vested in a board of trustees of [ten] nine persons. The board shall be constituted as follows:

- (1) [The president of the board of police commissioners of the city, ex officio. If the president is absent from any meeting of the board of trustees for any cause whatsoever, the president may be represented by any member of the board of police commissioners who in such case shall have full power to act as a member of the board of trustees;
- (2)] The comptroller of the city, ex officio. If the comptroller is absent from any meeting of the board of trustees for any cause whatsoever, the comptroller may be represented by either the deputy comptroller or the first assistant comptroller who in such case shall have full power to act as a member of the said board of trustees;

~~[(3) Three]~~ (2) Two members to be appointed by the mayor of the city to serve for a term of two years, except the mayor shall not appoint the police chief of the municipal police force, the city's director of public safety, or the president of the board of police commissioners of the city;

~~[(4)]~~ (3) Three members to be elected by the members of the retirement system of the city for a term of three years; provided, however, that the term of office of the first three members so elected shall begin immediately upon their election and one such member's term shall expire one year from the date the retirement system becomes operative, another such member's term shall expire two years from the date the retirement system becomes operative and the other such member's term shall expire three years from the date the retirement system becomes operative; provided, further, that such members shall be members of the system and hold office only while members of the system;

~~[(5) Two]~~ (4) Three members who shall be retired members of the retirement system to be elected by the retired members of the retirement system for a term of three years; except that, the term of office of the first two members so elected shall begin immediately upon their election and one such member's term shall expire two years from the date of election and the other such member's term shall expire three years from the date of election.

2. Any member elected chairman of the board of trustees may serve without term limitations.

3. Each commissioned elected trustee shall be granted travel time by the St. Louis metropolitan police department to attend any and all functions that have been authorized by the board of trustees of the police retirement system of St. Louis. Travel time, with compensation, for a trustee shall not exceed thirty days in any board fiscal year.

105.726. 1. Nothing in sections 105.711 to 105.726 shall be construed to broaden the liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, nor to abolish or waive any defense at law which might otherwise be available to any agency, officer, or employee of the state of Missouri. Sections 105.711 to 105.726 do not waive the sovereign immunity of the state of Missouri.

2. The creation of the state legal expense fund and the payment therefrom of such amounts as may be necessary for the benefit of any person covered thereby are deemed necessary and proper public purposes for which funds of this state may be expended.

3. Moneys in the state legal expense fund shall not be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against a board of police commissioners established under chapter 84, including the commissioners, any police officer, notwithstanding sections 84.330 and 84.710, or other provisions of law, other employees, agents, representative, or any other individual or entity acting or purporting to act on its or their behalf. Such was the intent of the general assembly in the original enactment of sections 105.711 to 105.726, and it is made express by this section in light of the decision in *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d 275. Except that the commissioner of administration shall reimburse from the legal expense fund [any] the board of police commissioners established under [chapter 84] section 84.350, and any successor-in-interest established pursuant to section 84.344, for liability claims otherwise eligible for payment under section 105.711 paid by such [boards on an equal share basis per claim] board up to a maximum of one million dollars per fiscal year.

4. Subject to the provisions of subsection 2 of section 84.345, if [If] the representation of the attorney general is requested by a board of police commissioners or its successor-in-interest established pursuant to section 84.344, the attorney general shall represent, investigate, defend, negotiate, or compromise all claims under sections 105.711 to 105.726 for the board of police commissioners, its successor-in-interest pursuant to section 84.344, any police officer, other employees, agents, representatives, or any other individual or entity acting or purporting to act on their behalf. The attorney general may establish procedures by rules

promulgated under chapter 536 under which claims must be referred for the attorney general's representation. The attorney general and the officials of the city which the police board represents or represented shall meet and negotiate reasonable expenses or charges that will fairly compensate the attorney general and the office of administration for the cost of the representation of the claims under this section.

5. Claims tendered to the attorney general promptly after the claim was asserted as required by section 105.716 and prior to August 28, 2005, may be investigated, defended, negotiated, or compromised by the attorney general and full payments may be made from the state legal expense fund on behalf of the entities and individuals described in this section as a result of the holding in *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d 275.

[84.010. In all cities of this state that now have, or may hereafter attain, a population of seven hundred thousand inhabitants or over, the common council or municipal assembly, as the case may be, of such cities may pass ordinances for preserving order, securing property and persons from violence, danger or destruction, protecting public and private property, and for promoting the interests and insuring the good government of the cities; but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities, shall, in any manner, conflict or interfere with the powers or the exercise of the powers of the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or any officer or agent of the corporation of the cities, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the boards of police or any officer, or agent or servant thereof or thereunder, except that in any case of emergency imminently imperiling the lives, health or safety of the inhabitants of the city, the mayor may call upon and direct the chief of police of the city to provide such number of officers and patrolmen to meet the emergency as the mayor determines to be necessary and the chief of police shall continue to act under the direction of the mayor until the emergency has ceased, or until the board of police commissioners takes charge of such matter.]

[84.220. Any officer or servant of the mayor or common council or municipal assembly of the said cities, or other persons whatsoever, who shall forcibly resist or obstruct the execution or enforcement of any of the provisions of sections 84.010 to 84.340 or relating to the same, or who shall disburse any money in violation thereof, or who shall hinder or obstruct the organization or maintenance of said board of police, or the police force therein provided to be organized and maintained, or who shall maintain or control any police force other than the one therein provided for, or who shall delay or hinder the due enforcement of sections 84.010 to 84.340 by failing or neglecting to perform the duties by said sections imposed upon him, shall be liable to a penalty of one thousand dollars for each and every offense, recoverable by the boards by action at law in the name of the state, and shall forever thereafter be disqualified from holding or exercising any office or employment whatsoever under the mayor or common council or municipal assembly of said cities, or under sections 84.010 to 84.340; provided, however, that nothing in this section shall be construed to interfere with the punishment, under any existing or any future laws of this state, of any criminal offense which shall be committed by the said parties in or about the resistance, obstruction, hindrance, conspiracy, combination or disbursement aforesaid.]

Official Ballot Title
Proposition B

[Proposed by Initiative Petition]

Official Ballot Title:

Shall Missouri law be amended to:

- create the Health and Education Trust Fund with proceeds of a tax of \$0.0365 per cigarette and 25% of the manufacturer's invoice price for roll-your-own tobacco and 15% for other tobacco products;
- use Fund proceeds to reduce and prevent tobacco use and for elementary, secondary, college, and university public school funding; and
- increase the amount that certain tobacco product manufacturers must maintain in their escrow accounts, to pay judgments or settlements, before any funds in escrow can be refunded to the tobacco product manufacturer and create bonding requirements for these manufacturers?

Estimated additional revenue to state government is \$283 million to \$423 million annually with limited estimated implementation costs or savings. The revenue will fund only programs and services allowed by the proposal. The fiscal impact to local governmental entities is unknown. Escrow fund changes may result in an unknown increase in future state revenue.

Fair Ballot Language:

A **“yes”** vote will amend Missouri law to create the Health and Education Trust Fund with proceeds from a tax on cigarettes and other tobacco products. The amount of the tax is \$0.0365 per cigarette and 25% of the manufacturer's invoice price for roll-your-own tobacco and 15% for other tobacco products. The Fund proceeds will be used to reduce and prevent tobacco use and for elementary, secondary, college, and university public school funding. This amendment also increases the amount that certain tobacco product manufacturers must maintain in their escrow accounts, to pay judgments or settlements, before any funds in escrow can be refunded to the tobacco product manufacturer and creates bonding requirements for these manufacturers.

A **“no”** vote will not change the current Missouri law regarding taxes on cigarettes and other tobacco products or the escrow account and bonding requirements for certain tobacco product manufacturers.

If passed, this measure will increase taxes on cigarettes and other tobacco products.

PROPOSITION B**Statutory Amendment to RSMo Chapters 149 and 196,
Relating to Cigarette and Other Tobacco Product Taxation, version G
2012-134**

Be it enacted by the people of the state of Missouri:

Section A. Sections 149.011, 149.021, 196.1003, 196.1023, and 196.1029 are amended and two new sections, to be known as sections 149.018 and 149.204, are enacted, to read as follows:

149.011. As used in this chapter, unless the context requires otherwise, the following terms mean:

(1) "Cigar", any roll for smoking, except cigarettes, made chiefly of tobacco or any substitute therefor;

(2) "Cigarette", [an item manufactured] any roll of tobacco [or any substitute therefor], however wrapped [in paper or any substitute therefor], weighing not to exceed [three] four pounds per one thousand cigarettes [and which is commonly classified, labeled or advertised as a cigarette];

(3) "Common carrier", any person, association, company, or corporation engaged in the business of operating, for public use, an agency for the transportation of persons or property within the state;

(4) "Director", the director of Missouri department of revenue;

(5) "First sale within the state", the first sale of a tobacco product by a manufacturer, wholesaler or other person to a person who intends to sell such tobacco products at retail or to a person at retail within the state of Missouri;

(6) "Manufacturer", any person engaged in the manufacture or production of cigarettes;

(7) "Manufacturer's invoice price", the original net invoice price for which a manufacturer sells a tobacco product to a distributor, wholesaler or first seller in the state as shown by the manufacturer's original invoice;

(8) "Meter machine", a type of device manufactured for the use of printing or imprinting an inked impression indicating that the cigarette tax has been paid on an individual package of cigarettes;

(9) "Package of cigarettes", a container of any type composition in which is normally contained twenty individual cigarettes, except as in special instances when the number may be more or less than twenty;

(10) "Person", any individual, corporation, firm, partnership, incorporated or unincorporated association, or any other legal or commercial entity;

(11) "Retailer", any person who sells to a consumer or to any person for any purpose other than resale;

(12) "Roll-your-own tobacco," any loose tobacco sold for roll-your-own cigarettes or cigars or otherwise intended or expected to be smoked;

(13) "Sale" in this instance is defined to be and declared to include sales, barter, exchanges and every other manner, method and form of transferring the ownership of personal property from one person to another. "Sale" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption;

(14) [(13)] "Smokeless tobacco", chewing tobacco, including, but not limited to, twist, moist plug, loose leaf and firm plug, [and] all types of snuff, including, but not limited to, moist and dry, and any other product containing tobacco intended or expected to be consumed without being combusted;

(15) [(14)] "Stamped cigarettes", an individual package, containing twenty individual cigarettes, more or less, on which appears or is affixed or imprinted thereon a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(16) [(15)] "Tax stamp", an item manufactured of a paper product or substitute thereof on which is printed, imprinted, or engraved lettering, numerals or symbols indicating that the cigarette tax has been paid on each individual package of cigarettes;

(17) [(16)] "Tobacco product", cigarettes, cigarette papers, clove cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine;

(18) [(17)] "Unstamped cigarettes", an individual package containing cigarettes on which does not appear a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(19) [(18)] "Wholesaler", any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the state who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this chapter, who so sells or so distributes cigarettes or tobacco products.

149.018. For the purpose of reducing public health care expenses and deaths from tobacco-related diseases, as well as providing additional moneys to be expended and used for tobacco use prevention and quit assistance; for elementary and secondary public school funding (with an emphasis on direct classroom expenditures); and for public college and university funding (with an emphasis on training for future medical caregivers including physicians, dentists, optometrists, pharmacists, nurses, elder and hospice caregivers, and other health care providers); additional taxes are hereby imposed on the sale of cigarettes, roll-your-own tobacco, and tobacco products other than cigarettes and roll-your-own tobacco. On and after January 1, 2013, taxes equal to three and sixty-five hundredth cents (\$0.0365) per cigarette, twenty-five percent of the manufacturer's invoice price before discounts and deals on roll-your-own tobacco, and fifteen percent of the manufacturer's invoice price before discounts and deals on all tobacco products other than cigarettes and roll-your own tobacco shall be levied and imposed upon the sale of cigarettes, roll-your-own tobacco, and tobacco products other than cigarettes and roll-your-own tobacco. The taxes imposed by this section shall be in addition to other taxes imposed by law on the sale of cigarettes and tobacco products other than cigarettes and shall be collected in the same manner and at the same time as the taxes imposed by law upon the sale of cigarettes and tobacco products other than cigarettes.

2. The Health and Education Trust Fund is hereby created within the state treasury. The following accounts are hereby created within the Health and Education Trust Fund:

(1) Tobacco Use Prevention and Quit Assistance Account;

(2) Public Education Account;

(3) Public Higher Education Account.

3. Beginning January 1, 2013, all moneys collected as a result of the taxes imposed by this section shall be credited to and placed in the Health and Education Trust Fund as said

moneys are received. All of the moneys from the taxes imposed by this section shall be kept separate from the general revenue fund as well as any other funds or accounts in the state treasury and shall be credited to and placed only in the Health and Education Trust Fund and the accounts created within the Health and Education Trust Fund. Any moneys credited to and placed in the Health and Education Trust Fund and any account created by this section shall be appropriated and used only for purposes which are authorized by this section and shall not be subject to the provisions of section 33.080, RSMo. The unexpended balances of such moneys shall remain in the Health and Education Trust Fund and in the particular account in which the moneys are placed, and such balances shall not revert to the general revenue fund. All interest which accrues upon the moneys in any account within the Health and Education Trust Fund shall be added to such account and shall not be credited to the general revenue fund.

4. (1) The additional actual costs incurred by the state in collecting and enforcing the taxes imposed by this section may be paid from moneys appropriated from the Health and Education Trust Fund for that purpose, not to exceed one and one half of one percent (1.5%) of the total moneys collected in that fiscal year. Collection and enforcement activities and initiatives that are paid for with moneys from the Health and Education Trust Fund shall be conducted in a fiscally responsible manner in order to maximize the amounts of net proceeds available for distribution pursuant to subsection 5. Moneys appropriated from the Health and Education Trust Fund pursuant to this subdivision 4(1) shall not be used to pay costs that are not additional actual costs incurred by the state in collecting and enforcing the taxes imposed by this section;

(2) The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section;

(3) On an annual basis, the director of the department of revenue shall determine whether the taxes imposed by this section have resulted in a decrease in consumption of tobacco products and thereby directly caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the state school moneys fund pursuant to chapter 149, RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo, has been directly caused by the taxes imposed by this section, an amount equal to the amount of moneys that were not collected and deposited into that fund or funds because of the taxes imposed by this section shall be transferred from the Health and Education Trust Fund to the appropriate fund or funds. The aggregate amount transferred to the fair share fund, the health initiatives fund, and the state school moneys fund from the Health and Education Trust Fund for any year shall not exceed three percent of the total moneys collected pursuant to this section during that same year.

5. The net proceeds of the taxes imposed by this section shall be monthly apportioned, distributed, and deposited in the manner described below. "Net proceeds" means the total moneys collected and deposited in the Health and Education Trust Fund pursuant to the taxes imposed by this section minus the amounts transferred from or paid out of the Health and Education Trust Fund pursuant to subsection 4 of this section.

(1) Twenty percent of the net proceeds shall be credited to and placed in the Tobacco Use Prevention and Quit Assistance Account;

(2) Fifty percent of the net proceeds shall be credited to and placed in the Public Education Account;

(3) Thirty percent of the net proceeds shall be credited to and placed in the Public Higher Education Account.

6. Except for such amounts as may be appropriated by the general assembly for the purposes described in subdivision 6(4), all moneys deposited in the Tobacco Use Prevention and Quit Assistance Account shall be appropriated to and used solely by the Missouri Healthy Families Commission for the purpose of establishing, maintaining, and enhancing activities,

programs, and initiatives to promote tobacco use quit assistance and prevention, including a comprehensive statewide tobacco control program, and public health for tobacco-related diseases. The comprehensive statewide tobacco control program shall be consistent with the United States Centers for Disease Control and Prevention's, or its successor agency's, best practices and guidelines for tobacco control programs, if any, and shall be designed to be effective to prevent and reduce tobacco use, reduce the public's exposure to secondhand smoke, and identify and eliminate disparities related to tobacco use and its effects among different population groups. The components of the comprehensive statewide tobacco control program shall include, but not be limited to: state and community based interventions, health communication interventions, cessation interventions, surveillance and evaluation, and administration and management. No more than fifteen percent of the moneys in the Tobacco Use Prevention and Quit Assistance Account may be expended by the Missouri Healthy Families Commission for activities, programs, and initiatives that promote public health for tobacco-related diseases, such as programs to provide student loan forgiveness or scholarships for medical professionals who work in underserved areas of the state, but that are not part of the comprehensive statewide tobacco control program. Moneys expended by the Missouri Healthy Families Commission for the purpose of promoting public health for tobacco-related diseases shall be used solely for that purpose and shall not be used directly or indirectly for research activities.

(1) The Missouri Healthy Families Commission is hereby created and shall be responsible for conducting, coordinating, and overseeing the tobacco use quit assistance and prevention activities, programs, and initiatives funded through the Tobacco Use Prevention and Quit Assistance Account. The Missouri Healthy Families Commission is hereby authorized to expend and use funds appropriated to it for the purposes described in this subsection 6. The Missouri Healthy Families Commission shall be governed by a board of directors, who may employ such staff and may enter agreements with, provide funding to, and otherwise cooperate with other public and private entities and agencies to further the purposes described in this subsection 6. The Missouri Healthy Families Commission may promulgate reasonable rules to implement this subsection 6. The Missouri Healthy Families Commission shall be assigned to the department of health and senior services with supervision by the department of health and senior services only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the department of health and senior services shall not extend to matters relating to policies, regulative functions, or appeals from decisions of the Missouri Healthy Families Commission, and the director of the department of health and senior services, any employee of the department of health and senior services, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the Missouri Healthy Families Commission in any manner not specifically provided by law and shall not in any manner interfere with the budget request of or withhold any moneys appropriated to the Missouri Healthy Families Commission by the general assembly.

(2) The board of directors shall consist of nine (9) members appointed by the governor with the advice and consent of the senate. Members of the board of directors may be removed by the governor for misconduct, incompetency, or neglect of duty. The initial appointed members of the board of directors shall serve staggered terms of office, with two members serving initial terms of one year, one member serving an initial term of two years, one member serving an initial term of three years, one member serving an initial term of four years, two members serving initial terms of five years, one member serving an initial term of six years, and one member serving an initial term of seven years. In making initial appointments to the board of directors, the governor shall specify the initial term which each such member shall serve. Thereafter, the appointed members of the board of directors shall serve seven year terms of office. Not more than three appointees shall be appointed from any single congressional district. Not more than five appointees shall be members of the same political

party. An appointee shall have been a member of the political party, if any, to which the appointee belongs for at least one year prior to the date of appointment. In addition to the requirements described above, members of the board of directors shall be selected to represent the following areas of expertise: at least three members shall be persons with experience and expertise regarding tobacco control policies and programs or the oversight and evaluation of such programs; at least one member shall be a person with experience and expertise regarding public health; at least one member shall be a physician or surgeon with expertise regarding tobacco-related illnesses or tobacco-related addiction; at least one member shall be a school nurse or school-based health educator; at least one member shall be a physician, surgeon, or nurse with experience and expertise with tobacco cessation programs; at least one member shall be a representative of a local public health entity; and at least one member shall be a representative of the general public. No member of the board of directors shall receive or have received any salary, grants, or other payments or support from, or have any other financial interest in, any business that manufactures, distributes, markets, or sells tobacco products, or serve or have served as a director, employee, or consultant of any organization that receives donations from any such business or that provides legal, lobbying, public relations, marketing, or advertising services to any such business. Each member of the board of directors shall also agree not to enter into any such financial or business relationships with the tobacco industry for a period of five years after that member's tenure on the board ends. No member of the board of directors shall receive personal payments from the Missouri Healthy Families Commission or the Tobacco Use Prevention and Quit Assistance Account other than reimbursements for necessary expenses in connection with their official responsibilities as board members and a per diem amount of one hundred dollars per day for attending board meetings. Board members may be employed by, contract with, receive payments from, or serve as directors, officers, or other representatives of organizations that receive funding directly or indirectly from the Missouri Healthy Families Commission or the Tobacco Use Prevention and Quit Assistance Account; provided that all board members shall annually disclose to the board any and all personal and financial interests related to the statewide comprehensive tobacco control program and other activities, programs, and initiatives administered by the Missouri Healthy Families Commission. The board of directors shall develop a form to be used by board members to disclose potential conflicts of interest and shall adopt a conflict of interest policy by rule, which shall require board members to recuse themselves from participating in deliberations or voting on proposed actions when a material conflict of interest exists and shall further specify personal, financial, and other relationships that shall be considered to be a material conflict of interest. Board members shall supplement their annual disclosure during the year if the information provided on the disclosure changes or is subsequently determined to be incomplete. Annual disclosures shall be made available to the public upon request. The department of health and senior services, department of social services, department of public safety, department of elementary and secondary education, and department of mental health shall each be entitled to designate a non-voting, ex officio representative to the board of directors.

(3) The board of directors shall meet at least one time each calendar quarter. Meetings, records, and votes of the board of directors shall be open to the public unless closed pursuant to an exception provided by chapter 610, RSMo, or other applicable law.

The Missouri Healthy Families Commission shall conduct its procurement and grantmaking activities pursuant to generally accepted standards for similar programs, and is authorized to elect by rule, but shall not be required, to follow state procurement and purchasing procedures provided by law for other state agencies.

The Missouri Healthy Families Commission shall annually provide a publicly available report on tobacco use and its related harms and costs in the state, the allocation of the Tobacco Use Prevention and Quit Assistance Account moneys, and related surveillance and evaluation findings to the general assembly and the governor.

(4) The general assembly may appropriate up to a total of one fifth of one percent of the moneys deposited in the Tobacco Use Prevention and Quit Assistance Account in a state fiscal year to the attorney general and other state agencies for the purpose of enforcing and administering the Master Settlement Agreement and the provisions of sections 196.1000 to 196.1035, RSMo, as amended.

7. Moneys deposited in the Public Education Account shall be appropriated to and used solely by the department of elementary and secondary education for distribution to school districts in this state for purposes which include, but are not limited to, teacher recruitment, retention, salaries, or professional development; school construction, renovation, or leasing; technology enhancements, textbooks, or instructional materials; school safety; or supplying additional funding for required state and federal programs. Funds distributed pursuant to this subsection shall be in addition to funds distributed pursuant to the school funding formula pursuant to chapter 163, RSMo. The department of elementary and secondary education shall distribute the funds to school districts in this state on an average daily attendance basis, as such term is defined in section 163.011(2), RSMo, during any fiscal year in which the total formula appropriation under subsections 1 and 2 of section 163.031, RSMo, is insufficient to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, RSMo, for the same fiscal year. The department of elementary and secondary education shall distribute the funds to school districts in this state on a resident pupil basis, as such term is defined in section 163.011(2), RSMo, during any fiscal year in which the total formula appropriation under subsections 1 and 2 of section 163.031, RSMo, is sufficient to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, RSMo, for the same fiscal year. At least twenty-five percent of the moneys distributed to each school district pursuant to this subsection shall be used in direct classroom expenditures. During any time when a school district is not qualified to receive state aid pursuant to section 163.021, RSMo, the school district shall not be entitled to receive distributions pursuant to this subsection.

8. Moneys deposited in the Public Higher Education Account shall be appropriated to and used solely by the department of higher education for distribution to public colleges and universities in proportion to their base operating appropriations for the preceding fiscal year as provided in subdivision (1) of this subsection solely for the purposes of education, training, and development of future caregivers, faculty recruitment, retention, salaries, or professional development; facility construction, renovation, or leasing, and construction materials; classroom instructional technology and classroom instructional materials; and campus safety. The department of higher education shall ensure that at least twenty-five percent of the moneys distributed from the Public Higher Education Account are used for programs and initiatives related to the education, training, and development of future caregivers including physicians, dentists, optometrists, pharmacists, nurses, and other health care providers. All of the moneys deposited in the Public Higher Education Account are intended to be expended on activities that directly relate to the education of students and shall be used solely for the purposes identified above, and shall not be used directly or indirectly for research activities.

(1) The moneys deposited in the Public Higher Education Account during a fiscal year shall be distributed by the department of higher education to the public colleges and universities in proportion to their respective shares of the total base operating appropriations for all public colleges and universities for the preceding fiscal year. The base operating appropriation amounts for public colleges and universities shall be determined from the bill that appropriates amounts for higher education base operations as approved by the governor for the preceding fiscal year. If no such bill exists or if base operating appropriations are provided in more than one bill, the department of higher education shall determine base operating appropriation amounts using a reasonable accounting method.

(2) Each public college or university shall deposit the amounts that it receives from the Public Higher Education Account into a new or existing restricted fund. Each public college

or university shall maintain the amounts received and income generated from those amounts for the purposes described in this section.

9. The state auditor shall perform an annual audit of the fund and accounts established pursuant to subsection 2 of this section, which shall include an evaluation of whether appropriations for tobacco-related programs and elementary, secondary, and higher education have increased. Such audit shall be performed on a fiscal year basis. The state auditor shall make copies of each audit available to the public and to the general assembly.

10. Except as otherwise provided in this section, the effective date of this section shall be January 1, 2013. The taxes imposed by this section on cigarettes, roll-your-own tobacco, and tobacco products other than cigarettes and roll-your-own tobacco shall be imposed on all cigarettes, roll-your-own tobacco, and tobacco products other than cigarettes and roll-your-own tobacco in the possession or under the control of any person licensed under chapter 149, RSMo on and after 12:01 a.m. on January 1, 2013. The activities, initiatives, and programs described in subsection 6 shall be implemented as soon as reasonably practicable, but at least by January 1, 2014.

11. The net proceeds from the taxes imposed by this section shall constitute new and additional funding for the activities, initiatives, and programs described in this section and shall not be used to replace existing funding as of July 1, 2012, for the same or similar activities, initiatives, and programs.

12. None of the funds collected, distributed, or allocated pursuant to this section shall be expended, paid or granted to or on behalf of existing or proposed activities, programs, or initiatives that involve abortion services, including performing, inducing, or assisting with abortions, as defined in section 188.015, RSMo, or encouraging patients to have abortions, referring patients for abortions not necessary to save the life of the mother, or development of drugs, chemicals, or devices intended to be used to induce an abortion.

13. None of the funds collected, distributed or allocated pursuant to this section shall be expended, paid or granted to or on behalf of existing or proposed activities, programs, or initiatives that involve human cloning or research prohibited by law.

149.021. 1. For the purpose of allowing compensation for the costs necessarily incurred in affixing the proper tax stamps to each package of cigarettes before making a sale of the cigarettes, each wholesaler purchasing stamps from the director as required by law may purchase the stamps from the director at a reduction of [three percent of the face value of each lot of stamps] one-half of one cent (\$0.005) per stamp so purchased, provided that all required reports have been made. The discount provided in this section shall be the only discount allowed to purchasers from the director. If a purchaser refuses to comply with the laws of the state of Missouri, the director shall require the full face value for stamps purchased until such time as the person has complied with the provisions of the law.

2. The director may permit the use of meter machines in lieu of stamps, for the impress of the tax stamp, and where used a one-half of one cent (\$0.005) [three percent] reduction [on the total tax] per stamp due shall be allowed. The director shall prescribe all rules and regulations governing the use of meter machines and may require a bond in a suitable amount to guarantee payment of the tax.

149.204. Notwithstanding any other provision of law, any person that, for commercial purposes, operates or maintains a machine that enables any person to process a substance that is made or derived from tobacco into a roll or tube shall be deemed to be a manufacturer of cigarettes (and the resulting product shall be deemed to be a cigarette) for purposes of this chapter and chapter 196, RSMo.

196.1003. Any tobacco product manufacturer selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary or intermediaries) after the date of enactment of this Act shall do one of the following:

(a) become a participating manufacturer (as that term is defined in section II(jj) of the Master Settlement Agreement) and generally perform its financial obligations under the Master Settlement Agreement; or

(b) (1) place into a qualified escrow fund [by April 15 of the year following the year in question] the following amounts, adjusted for inflation as provided in section 196.1000(a), RSMo [(as such amounts are adjusted for inflation)] —

1999: \$.0094241 per unit sold after the date of enactment of this Act;

2000: \$.0104712 per unit sold;

for each of 2001 and 2002: \$.0136125 per unit sold;

for each of 2003 through 2006: \$.0167539 per unit sold;

for each of 2007 and each year thereafter: \$.0188482 per unit sold.

(2) A tobacco product manufacturer that places funds into escrow pursuant to paragraph (1) shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances —

(A) to pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the State or any releasing party located or residing in the State. Funds shall be released from escrow under this subparagraph (i) in the order in which they were placed into escrow and (ii) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(B) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the state in a particular year was greater than the Master Settlement Agreement payments, as determined under Section IX(i) of that Agreement including after final determination of all adjustments, [State's allocable share of the total payments] that such manufacturer would have been required to make on account of such units sold had it been a participating manufacturer, [in that year under the Master Settlement Agreement (as determined pursuant to section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement other than the Inflation Adjustment) had it been a participating manufacturer,] the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(C) to the extent not released from escrow under subparagraphs (A) or (B), funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this subsection shall annually certify to the Attorney General that it is in compliance with this subsection. The Attorney General may bring a civil action on behalf of the State against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails [in any year] to [place] make timely and complete deposits into escrow [the funds] as required under this section shall - -

(A) be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of this subsection, may impose a civil penalty to be paid to the State's general revenue fund in an amount not to exceed 5 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100 percent of the original amount improperly withheld from escrow;

(B) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of this subsection, may impose a civil penalty to be paid to the State's general revenue fund in an amount not to exceed 15 percent of the amount improperly

withheld from escrow per day of the violation and in a total amount not to exceed 300 percent of the original amount improperly withheld from escrow; and

(C) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary) for a period not to exceed 2 years.

Each failure to make an annual deposit required under this section shall constitute a separate violation. Any tobacco product manufacturer that violates the provisions of this section shall pay the State's cost and attorney's fees incurred during a successful prosecution under this section.

(4) All escrow deposits shall be made on a quarterly basis, no less than thirty (30) days after the end of each calendar quarter in which the sales were made.

196.1023. 1. Every tobacco product manufacturer whose cigarettes are sold in this state, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, shall execute and deliver on a form prescribed by the director a certification to the director no later than the thirtieth day of April each year certifying, under penalty of perjury, that as of the date of such certification such tobacco product manufacturer is a participating manufacturer or is in full compliance with section 196.1003.

(1) A participating manufacturer shall include in its certification a list of its brand families. The participating manufacturer shall update such list thirty calendar days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the director.

(2) A nonparticipating manufacturer shall include in its certification:

(a) A list of all of its brand families and the number of units sold for each brand family that were sold in the state during the preceding calendar year;

(b) A list of all of its brand families that have been sold in the state at any time during the current calendar year, which shall indicate, by an asterisk, any brand family sold in the state during the preceding calendar year that is no longer being sold in the state as of the date of such certification; and

(c) The name and address of any other manufacturer of such brand families in the preceding or current calendar year.

The nonparticipating manufacturer shall update such list thirty calendar days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the director.

(3) For a nonparticipating manufacturer, such certification shall further certify:

(a) That such nonparticipating manufacturer is registered to do business in the state or has appointed a resident agent for service of process and provided notice thereof as required in this subsection;

(b) That such nonparticipating manufacturer has established, and continues to maintain, a qualified escrow fund and has executed a qualified escrow agreement, governing the qualified escrow fund, which has been reviewed and approved by the director;

(c) That such nonparticipating manufacturer is in full compliance with sections 196.1003 and 196.1020 to 196.1035 and any rules promulgated thereunder;

(d) The name, address, and telephone number of the financial institution where the nonparticipating manufacturer has established such qualified escrow fund required under section 196.1003 and all rules promulgated thereunder;

(e) The account number of such qualified escrow fund and any subaccount number for the state;

(f) The amount such nonparticipating manufacturer placed in such fund for cigarettes sold in the state during the preceding calendar year;

(g) The date and amount of each such deposit, and such evidence or verification as may be deemed necessary by the director to confirm the foregoing; [and]

(h) The amount and date of any withdrawal or transfer of funds the nonparticipating manufacturer made, at any time, from such fund or from any other qualified escrow fund into which it ever made escrow payments under section 196.1003 and all rules promulgated thereunder[.]; and

(i) That the nonparticipating manufacturer is in compliance with section 149.200, RSMo.

(4) A tobacco product manufacturer shall not include a brand family in its certification unless:

(a) In the case of a participating manufacturer, such participating manufacturer affirms that the brand family is deemed to be its cigarettes for purposes of calculating its payments under the master settlement agreement for the relevant year, in the volume and shares determined under the master settlement agreement; and

(b) In the case of a nonparticipating manufacturer, such nonparticipating manufacturer affirms that the brand family is deemed to be its cigarettes for purposes of section 196.1003.

Nothing in this section shall be construed as limiting, or otherwise affecting, the state's right to maintain that a brand family constitutes cigarettes of a different tobacco product manufacturer for purposes of calculating payments under the master settlement agreement or for purposes of section 196.1003.

(5) Tobacco product manufacturers shall maintain all invoices and documentation of sales and other such information relied upon for such certification for a period of five years, unless otherwise required by law to maintain them for a greater period of time.

2. On or after January 1, 2011, the director shall issue, maintain, update when necessary but only on the first calendar day of each month, make available for public inspection and publish on its website a directory listing of all tobacco product manufacturers that have provided current and accurate certifications in compliance with the requirements of subsection 1 of this section and all brand families listed in such certifications, except:

(1) The director shall not include, or retain, in such directory the name or brand families of any nonparticipating manufacturer that fails to provide the required certification, or whose certification the director determines is not in compliance with subdivisions (2) and (3) of subsection 1 of this section, unless the director has determined that such violation has been cured to the satisfaction of the director;

(2) Neither a tobacco product manufacturer nor brand family shall be included, or retained, in the directory if the director concludes, in the case of a nonparticipating manufacturer that:

(a) Any escrow payment required under section 196.1003 for any period, for any brand family, whether or not listed by such nonparticipating manufacturer has not been fully paid into a qualified escrow fund governed by a qualified escrow agreement approved by the director; or

(b) Any outstanding final judgment, including interest thereon, for violations of section 196.1003 has not been fully satisfied for such brand family and such manufacturer;

(3) Every stamping agent shall provide, and update as necessary, an electronic mail address to the director for the purpose of receiving any notifications that may be required by sections 196.1020 to 196.1035.

3. (1) The directory issued and updated in subsection 2 of this section shall become effective immediately but only as it applies to tobacco product manufacturers, and it shall be unlawful for any tobacco wholesaler or retailer to purchase from any tobacco product manufacturer any cigarette or brand family not listed in the directory.

(2) The directory issued in subsection 2 of this section shall become effective on the first day of the month following the month in which said directory is published or updated as it applies to tobacco wholesalers, and on the fifteenth day of the month following the month in which said directory is published or updated as it applies to tobacco retailers in order to allow wholesalers and retailers sufficient time to sell their inventory.

- (3) Unless otherwise permitted herein, it shall be unlawful for any person to:
- (a) Affix a stamp to a package or other container of cigarettes of a tobacco product manufacturer or brand family not included in the directory; or
 - (b) Sell, offer, or possess for sale in this state, or import for personal consumption in this state, cigarettes of a tobacco product manufacturer or brand family not included in the directory.

4. (1) A non-participating manufacturer shall post a bond in favor of the state of Missouri if its cigarettes were not sold in the state during any one of the four preceding calendar quarters; it or any person affiliated with it failed to make a full and timely escrow deposit due under section 196.1003, RSMo, unless the failure was not knowing or reckless and was promptly cured on notice; or, it or any person affiliated with it was removed from the state directory of any state during any of the five preceding calendar years, unless the removal was determined to have been erroneous or illegal. Entities are affiliated with each other if one directly, or indirectly through one or more intermediaries, controls or is controlled by or is under common control with the other.

(2) The bond required by this subsection shall be posted at least ten days in advance of each calendar quarter as a condition to the non-participating manufacturer and its brand families being included in the state directory for that quarter. The amount of the bond shall be the greater of (i) the greatest required escrow amount due from the non-participating manufacturer or its predecessor for any of the twelve preceding calendar quarters or (ii) \$25,000. The bond shall be written in favor of the state of Missouri and shall be conditioned on the performance by the non-participating manufacturer of all of its duties and obligations under this chapter. The bond shall remain in effect for twenty-four (24) months from the date posted.

(3) If the non-participating manufacturer fails to perform the duties and obligations on which the bond is conditioned, the state shall be authorized to execute on the bond, first to recover any amounts the non-participating manufacturer failed to place into escrow as required by this chapter, then to recover penalties and attorneys' fees under this chapter.

196.1029. 1. Not later than twenty days after the end of each calendar quarter and more frequently if so directed by the director, each stamping agent shall submit such information as the director requires to facilitate compliance with sections 196.1020 to 196.1035 including but not limited to:

- (1) A list by brand family of the total number of cigarettes; or
- (2) In the case of roll-your-own, the equivalent stick count for which the stamping agent affixed stamps during the previous calendar quarter or otherwise paid the tax due for such cigarettes.

The stamping agent shall maintain and make available to the director all invoices and documentation of sales of all nonparticipating manufacturer cigarettes and any other information relied upon in reporting to the director for a period of five years.

2. The director shall disclose to the attorney general any information received under sections 196.1020 to 196.1035 which is requested by the attorney general for purposes of determining compliance with and enforcing the provisions of sections 196.1020 to 196.1035. The director and attorney general shall share with each other information received under sections 196.1003 and 196.1020 to 196.1035, or corresponding laws of other states.

3. The director may, at any time, require from the nonparticipating manufacturer proof from the financial institution, in which such manufacturer has established a qualified escrow fund for the purpose of compliance with section 196.1003, of the amount of money in such fund exclusive of interest, and the amount and date of each deposit to such fund, and the amount and date of each withdrawal from such fund.

4. In addition to any other information required to be submitted under sections 196.1020 to 196.1035, the director may require a stamping agent or tobacco product manufacturer to

submit any additional information, including but not limited to samples of the packaging or labeling of each brand family, as is necessary to enable the director to determine whether a tobacco product manufacturer is in compliance with sections 196.1020 to 196.1035.

5. The director shall, on a quarterly basis, make available to the public information relating to the number of units sold by brand family of each tobacco product manufacturer.

Section B. All of the provisions of this act are severable. If any provision of this act is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this act shall be and remain valid and in full force and effect.

HOUSE CONCURRENT RESOLUTION NO. 1 [HCR 1]

BE IT RESOLVED, by the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Tuesday, January 17, 2012, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-sixth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HOUSE CONCURRENT RESOLUTION NO. 2 [HCR 2]

BE IT RESOLVED, by the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 18, 2012, to receive a message from the Honorable Richard B. (Rick) Teitelman, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-sixth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HOUSE CONCURRENT RESOLUTION NO. 8 [HCR 8]

AN ACT

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

WHEREAS, Section 137.021, RSMo, provides that on or before December thirty-first of each odd-numbered year the State Tax Commission is required under Section 137.021, RSMo, to promulgate by regulation a value for each grade of agricultural and horticultural land based on productive capability; and

WHEREAS, the State Tax Commission, in accordance with Section 137.021, RSMo, did on December 23, 2011, propose a value for each of the eight grades of agricultural and horticultural land for the 2013 and 2014 assessment years, with changes to grades 1 through 4; and

WHEREAS, the members of the General Assembly believe that the proposed agricultural and horticultural land values are excessive; and

WHEREAS, Section 137.021, RSMo, permits the General Assembly to disapprove within the first sixty days of the next Regular Session of the General Assembly the agricultural and horticultural values as proposed by the State Tax Commission:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby disapprove the State Tax Commission's proposed state regulation to be promulgated under Section 137.021, RSMo, establishing agricultural land values for the 2013 and 2014 assessment years; and

BE IT FURTHER RESOLVED that the General Assembly recommends that the State Tax Commission review the current procedure for determining and establishing agricultural land values; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Missouri State Tax Commission.

HOUSE CONCURRENT RESOLUTION NO. 12 [HCR 12]

WHEREAS, while war deaths have been a part of our heritage since the birth of this nation, the United States has not instituted an official symbol commemorating fallen servicepersons; and

WHEREAS, H.R. 1034 was introduced in the 111th Congress designating the Honor and Remember Flag, created by Honor and Remember, Inc., as an official recognition and in honor of fallen members of the United States Armed Forces; and

WHEREAS, the Honor and Remember Flag's red field represents the brave men and women who sacrificed their lives for freedom. The flag's blue star is a symbol of active service in military conflict that dates back to World War I. The flag's white border recognizes the purity of sacrifice. The flag's gold star signifies the ultimate sacrifice of a warrior in active service who is not returning home and reflects the value of the life given. The folded flag element highlights this nation's final tribute to a fallen serviceperson and a family's sacrifice. The flag's flame symbolizes the eternal spirit of the departed; and

WHEREAS, the Honor and Remember Flag is a unifying symbol recognizing this nation's solemn debt to the estimated 1.6 million fallen servicepersons throughout history and the families and communities who mourn their loss:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby designates the Honor and Remember Flag as the State of Missouri's emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty and urges the United States Congress to enact a similar resolution; 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 Missouri Veterans Commission and each member of the Missouri Congressional Delegation.

HOUSE CONCURRENT RESOLUTION NO. 22 [HCR 22]

WHEREAS, women have served honorably and with courage in all of America's wars and conflicts since the American Revolution; and

WHEREAS, the United States military has evolved from a predominantly male force to a force of over 14% women who are currently serving on active duty, and nearly 17% serving in the Reserves and National Guard; and

WHEREAS, the population of women veterans is increasing exponentially from 1.1 million in 1980 to a projection of nearly 2 million by 2020, and will comprise more than 10% of the veteran population; and

WHEREAS, the projected population of male veterans is expected to continue to decline; and

WHEREAS, given that an unprecedented number of women are serving in the military and participating in Operation Enduring Freedom and Operation Iraqi Freedom, the United States Department of Veterans Affairs (VA) is working to provide consistent, comprehensive, and quality health care and benefits to women veterans of all eras; and

WHEREAS, the number of women veterans has increased over the last decade because there is an increasing number and proportion of women who are entering and leaving the military, and women are living longer than men and have a younger age distribution compared to male veterans; and

WHEREAS, even though the VA has been at the forefront of health care and lifestyle solutions affecting an aging male population, there is now a growing need to improve health care services for women veterans, ensure clinicians are properly trained to provide primary care and gender specific care to women of all ages, and identify innovative courses of treatment and solutions to obstacles that are unique to women veterans; and

WHEREAS, with a rapidly increasing number of women serving in the military today and returning from deployments as seasoned veterans, and some with exposure to combat, VA facilities and veterans service organizations are working to ensure that the post-deployment mental and physical health needs unique to women veterans are also met; and

WHEREAS, even though the roles of women in the military have changed over time and will continue to change, they deserve to be acknowledge for their military service and treated with equal respect:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby encourages the Missouri Veterans Commission and its women veterans state coordinator to work in conjunction with the National Foundation for Women Legislators and the Center for Women Veterans at the United States Department of Veterans Affairs to reach out to all women veterans within the State of Missouri to encourage them to bring their specific needs and concerns to the attention of agency officials so that state legislators and agency officials may work together to identify unique issues impacting women veterans and

consider policy solutions that will improve the quality of life for women veterans within this state; and

BE IT FURTHER RESOLVED that the Missouri General Assembly formally honors all of the women in this state who have heroically answered their call to duty and recognizes the important role women have played in shaping this great nation; 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 Missouri Veterans Commission.

HOUSE CONCURRENT RESOLUTION NO. 25 [HCR 25]

WHEREAS, the practice of school nursing began in the United States in 1902, when the initial role of the school nurse was to reduce absenteeism by intervening with students and families regarding health care needs related to communicable diseases; and

WHEREAS, today, professional school nursing is a specialized practice that advances the well-being, academic success, and lifelong achievement of students. To that end, school nurses facilitate positive student responses to normal development, promote health and safety, intervene with actual and potential health problems, provide case management services, and actively collaborate with others to build student and family capacity for adaptation, self-management, and self-advocacy, and learning; and

WHEREAS, seven roles have been identified by the National Association of School Nurses:

- (1) Providing health care to students and staff;
- (2) Providing leadership for the provision of health services;
- (3) Providing screening and referral for health care;
- (4) Promoting a healthy school environment;
- (5) Promoting health;
- (6) Serving in a leadership role for health policies and programs;
- (7) Serving as a liaison between school personnel, family, community, and health care

providers; and

WHEREAS, under optimal conditions, all public schools should have a school nurse on staff; and

WHEREAS, today, school nurses are facing increased pressures from every direction. Overwhelming amounts of paperwork, strict administrative policies, diminishing school budgets, and serious concerns regarding legal liabilities leave an insufficient amount of time and resources to provide students with the quality of care they deserve; and

WHEREAS, as schools grapple with mandates from the federal government to vaccinate students, many districts have few or no nurses to prevent or respond to outbreaks, leaving students more vulnerable to viruses that spread easily in classrooms and take a heavier toll on children and young adults; and

WHEREAS, a 2008 survey by the National Association of School Nurses found that only 45% of public schools have their own full-time nurse, another 30% have a part-time nurse, and 25% don't have any nurses at all; and

WHEREAS, given the vital role of our professional school nurses, school districts should recognize the dedication and contributions made by professionals:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize the important health and educational services that professional school nurses provide and strongly urge every school district in this state to recognize the dedication of professional school nurses and the valuable role they play in Missouri schools; 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 each school district in Missouri.

HOUSE CONCURRENT RESOLUTION NO. 31 [HCR 31]

WHEREAS, the United States Corps of Engineers' five-year study of the Upper Mississippi River Basin, which is everything north of Cairo, Illinois, failed to produce a plan for flood control acceptable to all stakeholders; and

WHEREAS, the Mississippi River Commission did recommend Plan H to the United States Congress; and

WHEREAS, the Corps of Engineers has not recommended this plan to the United States Congress, citing the expense of the construction of 500-year levees along these rivers, estimated to be \$6 billion, does not meet current cost-benefit guidelines for federal funding; and

WHEREAS, the Corps of Engineers additionally determined a need for better data based upon new hydrology and flow studies and the need to study tributaries of the Mississippi River; and

WHEREAS, the Corps of Engineers indicated that ramifications of the additional 500-year levees and their potential to cause additional flooding would need to be determined, and affected populations and communities informed and advised of the potential impact; and

WHEREAS, the affected counties include the Missouri counties of Lincoln, Pike, and St. Charles; and

WHEREAS, Plan H designates only about half of the levees in the Missouri counties of Lincoln, Pike, and St. Charles be raised, while to the north a higher percentage of 500-year levees are recommended for both sides of the river; and

WHEREAS, the stakeholders in the Missouri counties of Lincoln, Pike, and St. Charles desire the protections provided by the 500-year levees; and

WHEREAS, the proposed Plan H, if implemented, denies the benefits of 500-year levees to those making a living along the Mississippi River, negatively impacting agriculture, transportation, businesses, industries, tourism, hunting, fishing, boating, infrastructure, and residences; and

WHEREAS, over 6,500 citizens have signed petitions opposing the proposed Plan H; and

WHEREAS, the Upper Mississippi River Basin should receive funding comparable to funding for the Southern Mississippi River Basin from Cairo, Illinois, to New Orleans, Louisiana:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress to support a comprehensive plan for the Upper Mississippi River Basin that enhances system-wide flood control without

creating adverse impacts on existing levees, levee districts, rural communities, and metropolitan areas. The plan should be based on analysis that quantifies the impacts of enhanced flood control measures and acknowledges the importance of keeping agricultural land in production. The proposed Plan H making the Missouri counties of Lincoln, Pike, and St. Charles the lowest points on the Mississippi River levee system is totally unacceptable and we ask the Missouri Congressional delegation to oppose this plan; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 33 [HCR 33]**

WHEREAS, the Joint Interim Committee on State Employee Wages was established under HCR 32 in the Ninety-Sixth General Assembly, First Regular Session, and was charged with studying and developing strategies for increasing the wages of Missouri's state employees so Missouri will become competitive with their peer states in regards to state employee wages; and

WHEREAS, Missouri state employees are ranked 50th out of 50 states for the wages paid to state employees; and

WHEREAS, Missouri state employees provide excellent service to Missourians; and

WHEREAS, Missouri state employees have had to do more with less resources for the past several years; and

WHEREAS, Missouri state employees have not had a pay raise since 2008; and

WHEREAS, while state employee wages have remained the same since 2008, Missouri state employee insurance costs have steadily increased; and

WHEREAS, the Missouri state employees deferred compensation state match of state employee contributions made up to \$35 has not been funded for several years; and

WHEREAS, new Missouri state employees who are first employed by the state after January 1, 2011, are required to contribute 4% of their pay to their retirement plan; and

WHEREAS, the State of Missouri does not have comprehensive data on state employee compensation or total compensation; and

WHEREAS, the State of Missouri does not have a long-term or strategic plan for increasing the wages of state employees; and

WHEREAS, the State of Kansas undertook a similar initiative and has many lessons learned that could benefit the State of Missouri; and

WHEREAS, the three poorest states in the nation - West Virginia, Mississippi, and Arkansas - all rank ahead of Missouri in state employee annual compensation:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby re-authorize the "Joint Interim Committee on State Employee Wages" to function in the legislative interims through December 31, 2014, upon passage and approval of this resolution, for the purpose of further studying and developing of strategies for increasing the wages of Missouri's state employees so Missouri will become competitive with their peer states in regards to state employee wages; and

BE IT FURTHER RESOLVED that upon re-establishment, the Joint Interim Committee shall:

1) Devise a focused and concise mission statement to guide actions of the Joint Interim Committee;

(2) Request the State Office of Administration to invest in a consultant to conduct salary and total compensation surveys to more comprehensively review and analyze the state classification and compensation structures, similar to what other states have done;

(3) Request the State Office of Administration, with the advice and consent of the Joint Interim Committee, to use the data from the comprehensive study to produce a long-term strategic plan for increasing state employee wages and to present such plan to the Governor, the House Budget Committee, and the Senate Appropriations Committee by January 31, 2015;

(4) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Joint Interim Committee be composed of the following members:

(1) Two majority party members and one minority party member of the House of Representatives, to be appointed by the Speaker and Minority Leader of the House;

(2) Two majority party members and one minority party member of the Senate, to be appointed by the President Pro Tem and Minority Leader of the Senate;

(3) One representative from the Governor's Office;

(4) One representative from the State Personnel Advisory Board; and

(5) Two members of the public, with one to be appointed by the Speaker of the House and one to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, and the general public; and

BE IT FURTHER RESOLVED that the staff of House Appropriations, Senate Appropriations, House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Senate's Joint Contingent Expenses appropriation.

HOUSE CONCURRENT RESOLUTION NO. 36 [HCR 36]

WHEREAS, the states of Missouri and Israel share a deep and abiding friendship; and

WHEREAS, Missouri's own President Harry S Truman announced on May 14, 1948, that the United States would become the first country to recognize the new Nation of Israel; and

WHEREAS, from its very founding, democracy has been the cornerstone of the State of Israel; and

WHEREAS, since its establishment, Israel has fulfilled the dreams of its founders who evidence a vigorous, open, and stable democracy; and

WHEREAS, Israel is deeply committed to maintaining its vigorous democratic society; and

WHEREAS, the State of Israel and the United States share democratic values and ideals, and fundamental strategic interests in promoting regional freedom and stability; and

WHEREAS, the ongoing commitment of Israel to the democratic ideals of freedom and pluralism has been unswerving, and is a commitment that Israel shares with the United States:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby:

- (1) Express their respect and admiration for the people of Israel;
- (2) Commend the people of Israel for their dedication to democratic ideals - a dedication made manifest through 64 years since the establishment of the state;
- (3) Affirm the shared values and commitment to freedom and democracy which bind the United States-Israel relationship;
- (4) Reaffirm the importance of projects of mutual economic benefit, which include improved trade, technology development, science, agriculture; and tourism; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Prime Minister of Israel, Benjamin Netanyahu, and the Missouri Department of Economic Development.

HOUSE CONCURRENT RESOLUTION NO. 37 [HCR 37]

WHEREAS, the United States relies - and will continue to rely for many years - on gasoline, diesel, and jet fuel, as well as renewable and alternative sources of energy; and

WHEREAS, in order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources; and

WHEREAS, the United States currently depends on foreign imports for more than half of its petroleum usage and is the largest consumer of petroleum in the world. United States dependence on overseas oil has created difficult geopolitical relationships with potentially damaging consequences for our national security; and

WHEREAS, oil deposits in the Bakken Reserves of Montana, North Dakota, and South Dakota are an increasingly important crude oil resource, with an estimated 11 billion barrels of recoverable crude oil. There is not enough pipeline capacity for crude oil supplies from Montana, North Dakota, South Dakota, Oklahoma, and Texas to American refineries; and

WHEREAS, Canadian oil reserves contain an estimated 173 billion barrels of recoverable oil. Canada is the single largest supplier of oil to the United States at 2.62 million barrels per day and has the capacity to significantly increase that rate; and

WHEREAS, the original Keystone Pipeline which spans across the northern part of Missouri supplies over 435,000 barrels of North American crude oil to American refineries in the Midwest. The Keystone XL Pipeline will, when completed, carry 700,000 barrels of North American crude oil to American refineries in the Gulf Coast region; and

WHEREAS, construction of pipelines linking North American energy to the United States will create hundreds of thousands of jobs nationwide, including tens of thousands in construction and manufacturing, creating billions in economic growth and generating millions of dollars worth of government receipts; and

WHEREAS, a recent study by the United States Department of Energy found that increasing delivery of crude oil from Montana, North Dakota, South Dakota, and Alberta, Canada, as well as Texas and Oklahoma to American refineries has the potential to substantially reduce our country's dependency on sources outside of North America; and

WHEREAS, Canada sends more than 99% of its oil exports to the United States, the bulk of which goes to Midwestern refineries. Oil companies are investing huge sums to expand and upgrade refineries in the Midwest and elsewhere to make gasoline and other refined products from Canadian oil derived from oil sands. The expansion and upgrade projects have and will create many new construction jobs over the next five years and will add to the gross product of Missouri; and

WHEREAS, 99% of the money used to buy Canadian oil will likely later be spent directly on United States goods and services, in contrast with increasing the trade relationship with unstable regions. Supporting the continued shift towards reliable and secure sources of North American oil is of vital interest to the United States and the State of Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly:

(1) Support continued and increased development and delivery of oil derived from North American oil reserves to American refineries;

(2) Urge the United States Congress to support continued and increased development and delivery of oil from Canada to the United States; and

(3) Urge the United States Congress to enact legislation deeming the Keystone XL Pipeline to be in the national interest of the United States; and

(4) Urge the United States Secretary of State to approve the Keystone XL pipeline project to ensure America's oil independence, improve our national security, reduce the cost of gasoline, create new jobs, and strengthen ties between the United States and Canada; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President Pro Tem of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

HOUSE CONCURRENT RESOLUTION NO. 42 [HCR 42]

WHEREAS, Missouri needs a foundational, centralized, guiding document that clarifies the state's interpretation of existing laws and practices relating to educating children who are deaf and hard of hearing; and

WHEREAS, Missouri needs to clarify standard educational principles for educators and administrators, and to provide ongoing direction to policymakers so that children who are deaf and hard of hearing will not be left behind in our educational system; and

WHEREAS, deaf and hard of hearing children have the same right and potential to become as independent and self-actualizing as their hearing peers:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate

concurring therein, hereby endorse the "Deaf and Hard of Hearing Children's Bill of Rights" as follows:

(1) Children who are deaf or hard of hearing are entitled to appropriate screening and assessment of hearing capabilities, communication, and language needs at the earliest possible age and to the continuation of screening services throughout the educational experience;

(2) Children who are deaf or hard of hearing are entitled to early intervention to provide for acquisition of solid language bases developed at the earliest possible age;

(3) Children who are deaf or hard of hearing are entitled to their parents' or guardians' full and informed participation in their educational planning;

(4) Children who are deaf or hard of hearing benefit from interaction with adult role models who are deaf or hard of hearing;

(5) Children who are deaf or hard of hearing benefit from interacting with their deaf, hard of hearing, and hearing peers;

(6) Children who are deaf or hard of hearing are entitled to qualified teachers, interpreters, and resource personnel who communicate effectively with each child in that child's preferred mode of communication;

(7) Children who are deaf or hard of hearing are entitled to placement best suited to each child's individual needs, including but not limited to social, emotional, and cultural needs, with consideration for the child's age, degree of hearing loss, academic level, mode of communication, style of learning, motivational level, and amount of family support;

(8) Children who are deaf or hard of hearing are entitled to individual considerations for free, appropriate education across a full spectrum of educational programs;

(9) Children who are deaf or hard of hearing are entitled to full support services provided by qualified professionals in their educational settings;

(10) Children who are deaf or hard of hearing are entitled to full access to all programs in their educational settings;

(11) Children who are deaf or hard of hearing are entitled to have the public fully informed concerning medical, cultural, and linguistic issues of deafness and hearing loss;

(12) Children who are deaf or hard of hearing benefit by having deaf and hard of hearing adults involved in determining the extent, content, and purpose of programs that affect their education; and

(13) Children who are deaf or hard of hearing are entitled to free and unrestricted communication with others who communicate in their same language mode. The child's preferred mode of communication should be respected in order to attain the highest education possible for that individual in an appropriate environment; and

BE IT FURTHER RESOLVED that notwithstanding any of the above principles, nothing in this resolution shall require:

(1) Individual school districts to ensure the availability of a specific number of deaf or hard of hearing peers; or

(2) Parents to abrogate their statutory rights to educational choice; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional Delegation.

HOUSE CONCURRENT RESOLUTION NO. 43 [HCR 43]

WHEREAS, the sport of trapshooting is one of the three major forms of competitive clay pigeon shooting and is growing in popularity throughout the United States and Missouri; and

WHEREAS, the trapshooting games were originally meant for the hunters to develop their skills, but these shooting games have obtained international recognition and are encouraged by sports associations; and

WHEREAS, trapshooting is a sport where flying clay targets are fired at with a shot gun. Trapshooting is considered to be an exciting and challenging sport with several million participants; and

WHEREAS, trapshooting has been a sport since at least 1793; and

WHEREAS, Olympic trap is one of the International Shooting Sport Federation (ISSF) shooting events, introduced to the Olympic program in 1900; and

WHEREAS, the Amateur Trapshooting Association (ATA) is the primary governing body of American trapshooting and has launched a major initiative to attract more youth shooters; and

WHEREAS, a great deal of coordination and discipline is needed for trapshooting. Trapshooting sports test a player's skill in marksmanship and improve confidence of youth, both male and female, who may not possess the physical attributes to compete in other competitive sports offered at their schools; and

WHEREAS, the goal of any program of youth trapshooting should be to provide instruction and promote firearm safety, personal responsibility, and sportsmanship among primary and secondary students; and

WHEREAS, trap shooting competitions promote tourism in the State of Missouri by bringing in participants and their families from around the country who stay in motels, eat in restaurants, and shop in retail stores, and purchase products from vendors at events; and

WHEREAS, the ATA, the Missouri Trapshooters Association, and other state shooting organizations also award scholarships to college-bound trapshooters based on citizenship, scholarship, and need. Many youth trapshooters are now attending college with the help of those scholarships; and

WHEREAS, our youth should have the opportunity and be encouraged to participate in this extracurricular activity in the same manner as other youth extracurricular activities, such as football, baseball, softball, basketball, track, or band; and

WHEREAS, the boards of education of every Missouri school district and school is encouraged to promote and include trapshooting as a high school sport:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby encourage the school boards of every school district and school in the State of Missouri, in conjunction with the Missouri Youth Sport Shooting Alliance, to voluntarily promote and include trapshooting as a high school sport for the youth of our state; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Commissioner of Education, the Missouri School Activities Association, the Missouri Trapshooters Association, the Missouri Youth Sport Shooting Alliance, and each school district and school in Missouri.

HOUSE CONCURRENT RESOLUTION NO. 46 [HCR 46]

WHEREAS, Ameren Missouri owns and manages the Lake of the Ozarks, Bagnell Dam, and Osage hydroelectric plant under its license from the Federal Energy Regulatory Commission (FERC); and

WHEREAS, under its license agreement, Ameren Missouri was required to develop a shoreline management plan, which was submitted to FERC in 2008; and

WHEREAS, FERC regulations require that only land needed for the dam's operation, recreation, shoreline control, and environmental protection be included in the boundary; and

WHEREAS, Lake area residents and visitors enjoy a wide range of recreational activities and opportunities on lakefront property, including a 17,441 acre playground just south of Osage Beach; and

WHEREAS, Lake of the Ozarks State Park is Missouri's largest park with over 85 miles of shoreline and two public beaches, plus boat launching areas; and

WHEREAS, with the significant role that recreational activities play in the economic well-being of the Lake region, the current lakefront access enjoyed by residents, businesses, and visitors is vital to the financial viability and growth of the Lake of the Ozarks; and

WHEREAS, on July 26, 2011, FERC issued its order modifying and approving the shoreline management plan. In its order, FERC required Ameren Missouri to file for FERC approval a detailed report to each nonconforming structure and encroachment and Ameren Missouri's proposed course of action; and

WHEREAS, FERC did not demand or otherwise require any of the nonconforming structures be removed. On August 25, 2011, Ameren Missouri requested that FERC allow them to revise the project boundary to exclude those properties that were not needed to serve the purpose of the project; and

WHEREAS, Ameren Missouri requested that for those properties located within the current project boundary, where Ameren Missouri owns property in fee, upon which a residential dwelling has been built either in whole or in part, Ameren Missouri would redraw the project boundary to exclude the property, subject to certain conditions, such as environmental assessments, one-time fees, and legal surveys; and

WHEREAS, FERC clarified its position and specifically stated that "Nothing in the SMP, the July 26 Order or in this order has any impact on property rights. Whatever rights entities have in lands within the boundaries of the Osage Project - whether conferred by deed, lease, easement, or other conveyance - have not been and will not be altered by action in these proceedings. This Commission has no jurisdiction to rule on property rights, which are matters of state law."; and

WHEREAS, FERC did not approve the request to make homeowner's pay for legal surveys or the request for the payment of a one-time fee from the homeowners; and

WHEREAS, as part of the creation of the project boundary, Union Electric Land and Development Company reserved an easement to all of the lands that became the Lake of the Ozarks. For approximately 60 years thereafter, Union Electric allowed unrestricted access with little or no permits required; and

WHEREAS, developers and property owners acted in relation to that easement without question, with the common understanding that if land adjoining the lake was purchased, access to the water came with such property; and

WHEREAS, on January 31, 2012, Ameren Missouri filed its amended shoreline management plan with FERC which included a new project boundary for approval. Ameren Missouri says the new plan will ensure that most, but not all, of the 1,600 homes along the Lake of the Ozarks shoreline are not threatened with removal; and

WHEREAS, Ameren Missouri's new shoreline management plan revises the shoreline boundary so that most of the homes are no longer encroaching onto land that is part of the Bagnell Dam hydroelectric project; and

WHEREAS, banks and real estate companies in the Lake area warned that removal of homes and other structures would damage an already fragile real estate market; and

WHEREAS, the Missouri General Assembly is sensitive to the important nature of these issues for the property owners, citizens, and businesses; and

WHEREAS, hoping to end months of anxiety and confusion, to provide certainty, and to facilitate a swift resolution between FERC, Ameren Missouri, and the affected property owners, the Missouri General Assembly urges FERC and Ameren Missouri to cooperate and coordinate the proposed shoreline management plan with local government and the affected property owners; and

WHEREAS, coordination works because most federal agencies are specifically directed by Congress to work with local governments through this process before implementing policies or plans that will impact the local community; and

WHEREAS, given the impact of these important property questions on real estate transactions within the Lake of the Ozarks region, these property issues must be resolved with the utmost diligence; and

WHEREAS, since there is sufficient time prior to FERC's deadline for submission of a revised shoreline management plan in June 2012, Ameren Missouri should work with local government and the affected property owners to ensure that under the amended shoreline management plan no property owners in the affected areas will lose their homes or businesses:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urges Ameren Missouri, the Federal Energy Regulatory Commission, and the affected property owners to cooperate in coordinating a swift resolution to the shoreline management plan project at the Lake of the Ozarks that respects the rights of property owners under Missouri law; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Ameren Missouri and the Federal Energy Regulatory Commission.

HOUSE CONCURRENT RESOLUTION NO. 49 [HCR 49]

WHEREAS, on February 16, 2012, the United States Environmental Protection Agency (EPA) promulgated its Mercury and Air Toxics Standards regulation for coal-fueled and oil-fueled electric generating plants; and

WHEREAS, EPA's own analyses show that the Mercury and Air Toxics Standards regulation is the single most expensive rule ever imposed by EPA on the electric power sector at a cost of \$9.6 billion per year by 2016 and a total cost of \$90 billion; and

WHEREAS, billions of dollars in compliance and other costs, including the construction of new power plants to replace plants forced to retire prematurely, resulting from the Mercury and Air Toxics Standards regulation will be passed on to residential, commercial, and industrial electricity consumers; and

WHEREAS, these unprecedented costs will increase the price of electricity and other types of energy at a time when families and businesses are struggling to cope with higher energy prices and job losses; and

WHEREAS, federal government data show that the average family in Missouri has already been forced to double its spending on energy over the past decade and that lower-income, fixed-income, and minority families in Missouri are harmed the most by higher energy prices; and

WHEREAS, the manufacturing sector nationwide has lost 5.5 million jobs since 2000, or 32% of its workforce, the sector's global competitiveness depends on affordable and reliable energy; and

WHEREAS, EPA has not provided an estimate of job losses that will be caused by the regulation, even though many analyses project that EPA regulations will cause higher energy prices and premature retirement of coal-fired power plants, resulting in financial hardship to consumers and further erosion of United States manufacturing jobs; and

WHEREAS, federal, state, and regional officials, public utility commissioners, regional electric reliability organizations, electricity generators, and manufacturing companies have expressed concerns that EPA regulations threaten the reliability of our nation's electric power grid; and

WHEREAS, coal-fueled power plants have already invested nearly \$100 billion to meet clean air requirements and these investments have reduced emissions of major air pollutants by nearly 90% per kilowatt-hour of electricity generated; and

WHEREAS, the Missouri General Assembly supports improvements in air quality to protect the health of our citizens and the quality of our environment, and believes that such improvements can be made within a sensible time frame and at a reasonable cost; and

WHEREAS, the highest economic priority by federal, state, and local governments at the present time should be to support policies that stimulate economic growth and create jobs and to avoid policies that unnecessarily increase energy prices, hurt families, and cause job losses:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby calls on the United States Congress to adopt S.J.Res. 37, disapproving the Mercury and Air Toxics Standards regulation because of the unprecedented economic impacts of such regulation, and to ensure that EPA replaces it with a sensible regulation that achieves reductions in mercury emissions without unnecessary increases in energy prices, job losses, and threats to electric reliability; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

SENATE CONCURRENT RESOLUTION NO. 15 [SCR 15]

WHEREAS, the United States Corps of Engineers' five-year study of the Upper Mississippi River Basin, which is everything north of Cairo, Illinois, failed to produce a plan for flood control acceptable to all stakeholders; and

WHEREAS, the Mississippi River Commission did recommend Plan H to the United States Congress; and

WHEREAS, the Corps of Engineers has not recommended this plan to the United States Congress, citing the expense of the construction of 500-year levees along these rivers, estimated to be \$6 billion, does not meet current cost-benefit guidelines for federal funding; and

WHEREAS, the Corps of Engineers additionally determined a need for better data based upon new hydrology and flow studies and the need to study tributaries of the Mississippi River; and

WHEREAS, the Corps of Engineers indicated that ramifications of the additional 500-year levees and their potential to cause additional flooding would need to be determined, and affected populations and communities informed and advised of the potential impact; and

WHEREAS, the affected counties include the Missouri counties of Lincoln, Pike, and St. Charles; and

WHEREAS, Plan H designates only about half of the levees in the Missouri counties of Lincoln, Pike, and St. Charles be raised, while to the north a higher percentage of 500-year levees are recommended for both sides of the river; and

WHEREAS, the stakeholders in the Missouri counties of Lincoln, Pike, and St. Charles desire the protections provided by the 500-year levees; and

WHEREAS, the proposed Plan H, if implemented, denies the benefits of 500-year levees to those making a living along the Mississippi River, negatively impacting agriculture, transportation, businesses, industries, tourism, hunting, fishing, boating, infrastructure, and residences; and

WHEREAS, over 6,500 citizens have signed petitions opposing the proposed Plan H; and

WHEREAS, the Upper Mississippi River Basin should receive funding comparable to funding for the Southern Mississippi River Basin from Cairo, Illinois, to New Orleans, Louisiana:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the United States Congress to support a comprehensive plan for the Upper Mississippi River Basin that enhances system-wide flood control without creating adverse impacts on existing levees, levee districts, rural communities, and metropolitan areas. The plan should be based on analysis that quantifies the impacts of enhanced flood control measures and acknowledges the importance of keeping agricultural land in production. The proposed Plan H making the Missouri counties of Lincoln, Pike, and St. Charles the lowest points on the Mississippi River levee system is totally unacceptable and we ask the Missouri Congressional delegation to oppose this plan; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 17 [SCR 17]**

WHEREAS, two of this country's greatest waterways, the Mississippi River on Missouri's eastern border and the Missouri River which winds across the state, helped Missouri become a supply center for many of the westward-bound settlers of the nation's early years; and

WHEREAS, from the muddy Missouri to the swift and clear Jacks Fork, the hundreds of rivers and streams in Missouri snake across more than 110,000 miles of the state - more than four times the distance around the earth - providing endless recreational opportunities for Missourians, including boating, fishing, swimming, and bird watching along the bluffs bordering our many rivers and streams; and

WHEREAS, shipping along the navigable rivers boosted Missouri's status as an agriculture supplier, barges and steamboats used the waterways to move goods, river towns boomed, and railroads continued to fuel the growth of Missouri as a large transportation center; and

WHEREAS, the Missouri Territory, and later the State of Missouri, took the name of the Missouri River which was named for the Missouri Indians who lived along the banks; and

WHEREAS, the State of Missouri has many nicknames, with the most widely recognized being "The Show-Me State" and "The Cave State"; and

WHEREAS, roads along or near both banks of the Mississippi River along its entire length have been designated as "The Great River Road" and are marked with a special road sign which depicts a ship's wheel; and

WHEREAS, the Great Rivers Greenway District was established in November 2000 in St. Louis City, St. Louis County, and St. Charles County to eventually develop "The River Ring" as an interconnected system of greenways, parks, and trails in the St. Louis area which will enhance the quality of life for residents and visitors; and

WHEREAS, from confluence of the Big Muddy and the Mighty Mississippi at the eastern portion of the state and looking north, south, or west, the State of Missouri includes the land that Meriwether Lewis and William Clark scanned as they began their journey up the Missouri River on their Voyage of Discovery in 1804, the land that is habitat for deer, turkey, bald eagles, and other wildlife, the land that is farmland abundant with agricultural crops, and the same land that held 260 billion gallons of water during the Great Flood of 1993; and

WHEREAS, with much of Missouri's history tied to the mighty rivers that flow through it, Missouri should also be known as the "The Great Rivers State":

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby encourage the use of the slogan "The Great Rivers State" as a slogan for the State of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Kathleen Steele-Danner, the Director of the Division of Tourism.

SENATE CONCURRENT RESOLUTION NO. 24 [SCR 24]

WHEREAS, the trucking industry is a critical component of the United States economy;
and

WHEREAS, truck safety is an important public policy concern; and

WHEREAS, on December 16, 2011, the Federal Motor Carrier Safety Administration (FMCSA) published a final rule establishing new Hours of Service (HOS) regulations for commercial motor vehicles; and

WHEREAS, the final rule institutes a new 30-minute rest break requirement for drivers, mandates that the 34-hour restart provision include two off-duty periods between 1:00 a.m. and 5:00 a.m., and revises the definition of on-duty time; and

WHEREAS, FMCSA's new HOS rule reduces the maximum weekly hours truck drivers may work from an average of 82 hours to 70 hours; and

WHEREAS, the final rule also establishes penalties for egregious violations of the HOS regulations and revises log book requirements for drivers involved in oilfield operations; and

WHEREAS, the FMCSA's final rule would decrease the overall number of hours a truck driver could work, and require the addition of more trucks and drivers to deliver the nation's freight; and

WHEREAS, this impact would likely compromise highway safety by generating more exposure to crashes, putting less experienced drivers on the road, exacerbating the shortage of rest area parking spaces and creating long periods of idle time for truck drivers; and

WHEREAS, the increased costs generated by the need for additional trucks and drivers, as well as operational changes, under the proposal would inflate delivery expenses and raise business and consumer costs; and

WHEREAS, the impact of the final rule will result in additional costs for motor carriers, reduced income for truck drivers, reduced productivity, an increase in highway congestion, and an increase in the cost of goods for Missourians; and

WHEREAS, the FMCSA's cost-benefit analysis of the proposal is incomplete, fails to completely account for all trucking-industry and economy-wide costs, and inflates the safety benefits of the proposal; and

WHEREAS, the American Trucking Association recently filed a petition with the U.S. Circuit Court of Appeals for the District of Columbia, asking the court to set aside FMCSA's recently published final rule as arbitrary and capricious and contrary to law; and

WHEREAS, FMCSA advisory panels are looking toward adopting regulations that involve screening and treatment of drivers at risk for obstructive sleep apnea; and

WHEREAS, the FMCSA Advisory Committee and Medical Review Board adopted 11 recommendations, including a requirement that all drivers with a body mass index measurement (BMI) of 35 or higher be tested for sleep apnea; and

WHEREAS, while there is some evidence to indicate that some commercial truck drivers have sleep apnea, there is insufficient evidence that this condition has resulted in the increased likelihood of crashes; and

WHEREAS, the Owner-Operator Independent Drivers Association Foundation calculated that 49 percent of the 3.5 million commercial truck drivers have a BMI of 30 or greater and that if a number of drivers is required to undergo sleep lab exams, such a rule would cost truckers \$5.25 billion; and

WHEREAS, the reach of the proposed sleep apnea testing regulation would even govern school bus drivers; and

WHEREAS, there are valid operational differences between school bus operations and other commercial carrier operations which should be taken into account when considering applying the recommendations to all commercial drivers; and

WHEREAS, FMCSA is considering adopting other rules and regulations, notably regulations concerning electronic stability control for large trucks and speed limits for large trucks, all measures that could have a profound effect on the national economy:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Federal Motor Carrier Safety Administration to rescind its newly published rule regarding hours of service and refrain from adopting regulations concerning sleep apnea and other measures affecting the trucking industry; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Administrator of the Federal Motor Carrier Safety Administration, Anne S. Ferro, and each member of the Missouri Congressional delegation.

SENATE CONCURRENT RESOLUTION NO. 25 [SCR 25]

WHEREAS, over the course of the spring and summer of 2011, unprecedented releases of water upstream by the U.S. Army Corps of Engineers have caused extensive pressure on the river levees in the state of Missouri that protect many communities, businesses, and prime agricultural lands; and

WHEREAS, in the face of this tremendous pressure some of Missouri's levees have been intentionally and unintentionally breached, resulting in widespread flooding, which has proved devastating to many Missouri homes, farms, families, and livelihoods; and

WHEREAS, last summer, the U.S. Army Corps of Engineers intentionally breached the Birds Point levee in southeast Missouri which resulted in the flooding of 130,000 acres of mostly agricultural land; and

WHEREAS, Missouri families have suffered unprecedented losses as a result of this situation and many Missouri farmers have experienced a complete and total loss of agricultural production, resulting in decimated farm incomes and ravaged local economies; and

WHEREAS, according to a June 2011 report drafted by the Food and Agricultural Policy Research Institute of the University of Missouri, the breach of the levee and subsequent flooding of crop lands in southeast Missouri has resulted in economic losses totaling \$60.6 million, a combination of forgone net returns and incurred production expenses in the affected area; and

WHEREAS, according to the University of Missouri Extension, the southeast Missouri region produced the following shares of the state's total production of specific agricultural commodities in 2010:

- 1) 100% of total cotton production in Missouri;
- 2) 99.6% of total rice production in Missouri;
- 3) 52.9% of total wheat production in Missouri;
- 4) 21.4% of total grain sorghum production in Missouri;
- 5) 18.1% of total soybean production in Missouri;
- 6) 15.4% of total corn production in Missouri; and

WHEREAS, with the agricultural production of southeast Missouri accounting for approximately one-third of the state's total economy, the catastrophic results of the flooding of agricultural land due to the intentional breach of the Birds Point levee in southeast Missouri has a significant economic impact for the entire state. This complete and total loss of agricultural

production at a time when our state's economy is experiencing recession can only exacerbate the state's current economic hardships; and

WHEREAS, the flood waters have not yet receded in some parts of Missouri and continue to disrupt the lives of hard-working Missourians; and

WHEREAS, even after the flood waters recede, much work will need to be done to restore the productivity of the damaged agricultural land and repair the ruined homes and businesses; and

WHEREAS, the U.S. Army Corps of Engineers has a responsibility to the nation for flood control; and

WHEREAS, the original flood plan was authorized in 1928 in response to severe flooding of the Mississippi River in 1927. The U.S. Army Corps of Engineers is obligated to re-examine the flood plan in light of the devastating losses, both short-term and long-term, suffered in this state as a result of the unprecedented releases of water upstream and the intentional breach of the Birds Point levee by the U.S. Army Corps of Engineers during the spring and summer of 2011:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the U.S. Army Corps of Engineers to:

- 1) Re-examine the flood plan for the Mississippi River; and
 - 2) Conduct its river operations in such a way as to avoid the devastating flooding disasters that occurred in 2011; and
 - 3) Rebuild the damaged levees to at least their previous heights as expediently as possible;
- and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly encourage communities, families and other stakeholders to work together to restore the prime agricultural lands that have been damaged by the recent flooding so that the productive value of these lands is not irrevocably lost; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly strongly encourage the members of the Missouri Congressional delegation to actively support policies for the management of the Mississippi River that minimize devastating flood events such as those that have been experienced by so many Missourians last summer; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commanding General of the U.S. Army Corps of Engineers and the members of the Missouri Congressional delegation.

SENATE CONCURRENT RESOLUTION NO. 26 [SCR 26]

WHEREAS, the State of Missouri is currently facing a budget crisis and has limited resources for state spending; and

WHEREAS, the General Assembly is a co-equal branch of state government and is responsible for the appropriation of state funds for various governmental entities; and

WHEREAS, the public expects and requires the General Assembly to ensure that state resources are being used as efficiently and effectively as possible; and

WHEREAS, the Missouri Department of Transportation's statewide construction program has averaged \$1.2 billion in the immediate past and moving forward it will be about approximately half that amount; and

WHEREAS, the Department of Transportation has entered into maintenance mode, which means it will have to direct all available resources to taking care of highways and bridges the state currently owns and not build new projects; and

WHEREAS, the good highways and bridges Missourians have enjoyed since the passage of Amendment 3 will start to deteriorate without more money for transportation projects; and

WHEREAS, the General Assembly understands the importance of finding innovative ways to fund the transportation infrastructure needs of this state:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Transportation Needs in Missouri; and

BE IT FURTHER RESOLVED that the Committee shall be composed of four majority party members to be appointed by the President Pro Tempore of the Senate and three minority party members to be appointed by the Minority Leader of the Senate, and four majority party members to be appointed by the Speaker of the House of Representatives of the House of Representatives, and three minority party members to be appointed by the Minority Leader of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the transportation infrastructure needs of this state, examine any other issues that the Committee deems relevant, and make any recommendations for improving the efficiency and effectiveness of funding Missouri's transportation needs; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the actual expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingency Fund; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-Sixth General Assembly and the First Regular Session of the Ninety-Seventh General Assembly through December 31, 2012, as authorized by *State v. Atterbury*, 300 S.W. 2d 806 (Mo. 1957); and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 1, 2013, and the authority of such Committee shall terminate on December 31, 2012.

SENATE CONCURRENT RESOLUTION NO. 28 [SCR 28]

WHEREAS, the State of Missouri first adopted the Missouri Criminal Code in 1977 to create a cohesive body of criminal law to be published in one portion of the Revised Statutes of Missouri; and

WHEREAS, the Code now lacks the cohesiveness it was created to embody after more than three decades of criminal statutes being enacted outside of the Missouri Criminal Code and non-criminal statutes being added to the Code; and

WHEREAS, the statutes enacted over the years include duplicative and conflicting criminal laws and inconsistent penalties; and

WHEREAS, some of these laws, in practice, have not had the intended effect of serving practitioners of criminal law and victims of crimes; and

WHEREAS, the Missouri Bar Association has spent four years developing recommendations for improving the Missouri Criminal Code, making the Code more cohesive and consistent, and repealing duplicative and conflicting provisions; and

WHEREAS, the recommendations of the Missouri Bar Association encompass more than 700 sections of law; and

WHEREAS, the General Assembly understands the importance and immensity of reviewing the recommendations and developing a plan to revise the Missouri Criminal Code:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Committee on the Missouri Criminal Code; and

BE IT FURTHER RESOLVED that the Committee shall be composed of two majority party members to be appointed by the President Pro Tempore of the Senate and one minority party member to be appointed by the Minority Leader of the Senate, and two majority party members to be appointed by the Speaker of the House of Representatives, and one minority party member to be appointed by the Minority Leader of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive review of the Missouri Criminal Code and the Missouri Bar Associations recommendations, examine any other issues that the Committee deems relevant, and make any recommendations for improving the cohesiveness, consistency, and effectiveness of the state's criminal laws; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingency Fund; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to begin its work beginning on the adoption of this resolution and continue during the legislative interim between the Second Regular Session of the Ninety-sixth General Assembly and the First Regular Session of the Ninety-seventh General Assembly through December 31, 2012, as authorized by State v. Atterburry, 300 S.W. 2d 806 (Mo. 1957); and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by November 15, 2012, and the authority of such Committee shall terminate on November 14, 2012.

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ABORTION

- SB 749 Provides protection for the religious beliefs as to the imposition of certain health care services such as abortion, contraception, or sterilization

ADMINISTRATION, OFFICE OF

- SB 562 Modifies provisions relating to the transfer of property by certain state universities
SB 563 Modifies provisions relating to higher education
HB 1094 Requires the Commissioner of Administration to instruct all agencies to use certain payment systems, allows county health centers to use an electronic funds transfer system and creates the Missouri Revolving Information Trust Fund
HB 1231 Gives state purchasing preference to Missouri forest products and bricks
HB 1820 Authorizes the Governor to convey several pieces of state property
HB 1900 Modifies numerous statutes to reflect executive agency reorganization as well as provisions regarding investments in Iran's energy sector, voluntary annexation, persons with disabilities and tax increment financing (VETOED)

ADMINISTRATIVE LAW

- SB 469 Modifies provisions regarding administrative rules
HB 1135 Modifies provisions regarding administrative rules

ADMINISTRATIVE RULES

- SB 469 Modifies provisions regarding administrative rules
HB 1135 Modifies provisions regarding administrative rules

AGRICULTURE AND ANIMALS

- SB 566 Requires owners of dogs and cats under suspicion of carrying rabies to provide documentation of vaccination or else surrender the animal (VETOED)
SB 599 Modifies provisions relating to education
SB 631 Modifies provisions relating to animals and agriculture
HCR 8 Disapproves the new values for agricultural and horticultural property filed by the State Tax Commission
HB 1179 Prohibits large water consumers from taking water outside of the Southeast Missouri Regional Water District if such activity interferes with certain others' use of the water
HB 1462 Extends the eligibility timeframe to receive payments from the Missouri Qualified Biodiesel Producer Incentive Fund for lack of appropriations

AGRICULTURE DEPARTMENT

- SB 566 Requires owners of dogs and cats under suspicion of carrying rabies to provide documentation of vaccination or else surrender the animal (VETOED)
SB 631 Modifies provisions relating to animals and agriculture
HB 1462 Extends the eligibility timeframe to receive payments from the Missouri Qualified Biodiesel Producer Incentive Fund for lack of appropriations
HB 1608 Repeals unfunded and obsolete state programs and establishes expiration dates for specified provisions

AIRCRAFT AND AIRPORTS

- SB 769 Modifies and creates provisions relating to state and local standards
HB 1504 Modifies provisions of law regarding sales taxes
HB 1909 Modifies provisions of law regarding aviation

ALCOHOL

- SB 837 Modifies what is considered to be a franchise between alcohol wholesalers and suppliers (VETOED)
HB 1498 Modifies provisions relating to intoxicating beverages
HB 1900 Modifies numerous statutes to reflect executive agency reorganization as well as provisions regarding investments in Iran's energy sector, voluntary annexation, persons with disabilities and tax increment financing (VETOED)

AMBULANCES AND AMBULANCE DISTRICTS

- SB 769 Modifies and creates provisions relating to state and local standards
HB 1108 Requires telecommunications and cell phone providers to provide call location information to law enforcement in emergency situations

APPROPRIATIONS

- HB 1029 Modifies duties of the Oversight Division of the Committee on Legislative Research
HB 1608 Repeals unfunded and obsolete state programs and establishes expiration dates for specified provisions
HB 2001 Appropriates money to the Board of Fund Commissioners
HB 2002 Appropriates money for the expenses, grants, refunds, and distributions of the State Board of Education and Department of Elementary and Secondary Education
HB 2003 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Higher Education
HB 2004 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue and Department of Transportation
HB 2005 Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, Department of Transportation, and Department of Public Safety
HB 2006 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and Department of Conservation
HB 2007 Appropriates money for the expenses, grants, refunds, and distributions of the departments of Economic Development; Insurance, Financial Institutions and Professional Registration; and Labor and Industrial Relations
HB 2008 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety
HB 2009 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections
HB 2010 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health, Board of Public Buildings, and Department of Health and Senior Services
HB 2011 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Social Services
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- HB 2012 Appropriates money for the expenses, grants, refunds, and distributions of statewide elected officials, the Judiciary, Office of the State Public Defender, and General Assembly
- HB 2013 Appropriates money for real property leases and related services
- HB 2014 Appropriates money for supplemental purposes for several departments, offices of state government, payment of various claims for refunds, for persons, firms, corporations, other purposes, transfer money among funds

ARCHITECTS

- HB 1280 Creates a peer review process for architects, landscape architects, land surveyors, and engineers

ATTORNEY GENERAL, STATE

- SB 837 Modifies what is considered to be a franchise between alcohol wholesalers and suppliers (VETOED)
- HB 1179 Prohibits large water consumers from taking water outside of the Southeast Missouri Regional Water District if such activity interferes with certain others' use of the water
- HB 1315 Requires employers to grant a leave of absence to members of the United States Coast Guard Auxiliary when performing authorized duties
- HB 1549 Modifies the state do-not-call list by allowing cell phone numbers on the list

AUDITOR, STATE

- SB 576 Modifies provisions relating to charter schools
- HB 1251 Modifies provisions relating to natural resources
- HB 1400 Modifies provisions relating to security interests and financial transactions of political subdivisions and residential mortgage loan brokers

AUTISM

- HB 1563 Modifies provisions relating to school social workers, prescription drugs, collaborative practice arrangements, behavior analysts, and an employee disqualification list

BANKS AND FINANCIAL INSTITUTIONS

- SB 635 Modifies the law relating to financial institutions, school funds, private roads, real estate appraisal, agricultural education programs, liens, and state purchasing preferences (VETOED)
- HB 1103 Eliminates a requirement that banks, savings institutions, and credit unions file a certain notice with the Missouri Real Estate Appraisers Commission
- HB 1308 Repeals a provision that allows certain securities to be acceptable collateral for public deposits depending on credit rating
- HB 1400 Modifies provisions relating to security interests and financial transactions of political subdivisions and residential mortgage loan brokers
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BOARDS, COMMISSIONS, COMMITTEES, COUNCILS

- SJR 51 Modifies the composition of Appellate Judicial Commission and number of nominees for vacancies
- SB 450 Modifies the length of school board terms for certain school districts that became urban districts because of the 2010 census
- SB 562 Modifies provisions relating to the transfer of property by certain state universities
- SB 563 Modifies provisions relating to higher education
- SB 576 Modifies provisions relating to charter schools
- SB 595 Transfers the administration of special education due process hearings from the State Board of Education to the Administrative Hearing Commission
- SB 599 Modifies provisions relating to education
- SB 729 Modifies provisions relating to county purchases
- HCR 8 Disapproves the new values for agricultural and horticultural property filed by the State Tax Commission
- HB 1042 Modifies provisions relating to higher education
- HB 1103 Eliminates a requirement that banks, savings institutions, and credit unions file a certain notice with the Missouri Real Estate Appraisers Commission
- HB 1188 Allows school boards to authorize a school nurse to maintain a supply of asthma related rescue medications at the school
- HB 1251 Modifies provisions relating to natural resources
- HB 1731 Modifies how gaming funds are used
- HB 1789 Modifies provisions relating to travel hardships for public school students (VETOED)
- HB 1827 Establishes the Missouri Electronic Prior Authorization Committee and pilot program

BOATS AND WATERCRAFT

- SB 719 Modifies various provisions relating to the regulation of transportation
- HB 1424 Allows the Missouri State Highway Patrol to sell surplus watercraft and watercraft motors and trailers

BUSINESS AND COMMERCE

- SB 611 Modifies various provisions relating to the regulation of transportation
- SB 631 Modifies provisions relating to animals and agriculture
- SB 837 Modifies what is considered to be a franchise between alcohol wholesalers and suppliers (VETOED)
- HB 1179 Prohibits large water consumers from taking water outside of the Southeast Missouri Regional Water District if such activity interferes with certain others' use of the water
- HB 1462 Extends the eligibility timeframe to receive payments from the Missouri Qualified Biodiesel Producer Incentive Fund for lack of appropriations
- HB 1498 Modifies provisions relating to intoxicating beverages
- HB 1661 Expands eligibility for the small business income tax deduction for new job creation

CHARITIES

- SB 498 Prohibits cities from restricting veterans organizations from operating resale shops in certain areas
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CHILDREN AND MINORS

- SB 628 Modifies provisions relating to the judiciary
SB 636 Modifies provisions relating to the judiciary
HB 1171 Modifies provisions relating to courts, including juvenile court jurisdiction and how Franklin County prosecutes county orders
HB 1323 Modifies provisions relating to child care services and child abuse and neglect investigations
HB 1576 Allows certain foster parents to purchase health insurance through the Missouri Consolidated Health Care Plan
HB 1577 Requires school districts to implement criteria for the enrollment and educational success of foster care children
HB 1731 Modifies how gaming funds are used
HB 1758 Modifies provisions relating to custody/visitation rights for those with a parent/child relationship, military parents and race consideration in adoption proceedings (VETOED)

CIRCUIT CLERK

- SB 636 Modifies provisions relating to the judiciary

CITIES, TOWNS AND VILLAGES

- SB 498 Prohibits cities from restricting veterans organizations from operating resale shops in certain areas
SB 631 Modifies provisions relating to animals and agriculture
SB 636 Modifies provisions relating to the judiciary
HB 1250 Modifies provisions relating to elections (VETOED)
HB 1251 Modifies provisions relating to natural resources

CIVIL PROCEDURE

- HB 1495 Expands the civil immunity provided to insurers for furnishing information related to insurance fraud investigations
HB 1527 Modifies the laws relating to property exempt from execution or attachment
HB 1647 Modifies provisions relating to public safety

COMMERCIAL CODE

- SB 628 Modifies provisions relating to the judiciary
SB 636 Modifies provisions relating to the judiciary
HB 1400 Modifies provisions relating to security interests and financial transactions of political subdivisions and residential mortgage loan brokers

CONSTRUCTION AND BUILDING CODES

- HB 1251 Modifies provisions relating to natural resources

CONSUMER PROTECTION

- HB 1549 Modifies the state do-not-call list by allowing cell phone numbers on the list
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CONTRACTS AND CONTRACTORS

- SB 729 Modifies provisions relating to county purchases
- SB 769 Modifies and creates provisions relating to state and local standards
- HB 1231 Gives state purchasing preference to Missouri forest products and bricks
- HB 1251 Modifies provisions relating to natural resources

CORRECTIONS DEPARTMENT

- HB 1525 Modifies laws relating to criminal offenders under the supervision of the Department of Corrections

COUNTIES

- SB 569 Modifies the law relating to elections, law enforcement districts, and transit authority taxes (VETOED)
- SB 729 Modifies provisions relating to county purchases
- SB 736 Exempts St. Francois County from a requirement that certain amounts of money from the county's special road and bridge tax be spent in certain areas
- HB 1037 Allows road district commissioners to receive compensation for their services of up to \$100 per month
- HB 1106 Modifies provisions relating to county officers
- HB 1251 Modifies provisions relating to natural resources
- HB 1525 Modifies laws relating to criminal offenders under the supervision of the Department of Corrections

COUNTY GOVERNMENT

- SB 729 Modifies provisions relating to county purchases
- SB 769 Modifies and creates provisions relating to state and local standards
- HB 1106 Modifies provisions relating to county officers
- HB 1340 Allows a county commission to appoint an interim county clerk, auditor, or assessor in the event of a vacancy who shall serve until the Governor appoints a replacement

COUNTY OFFICIALS

- SB 569 Modifies the law relating to elections, law enforcement districts, and transit authority taxes (VETOED)
- HB 1037 Allows road district commissioners to receive compensation for their services of up to \$100 per month
- HB 1106 Modifies provisions relating to county officers
- HB 1340 Allows a county commission to appoint an interim county clerk, auditor, or assessor in the event of a vacancy who shall serve until the Governor appoints a replacement

COURTS

- SB 628 Modifies provisions relating to the judiciary
 - SB 636 Modifies provisions relating to the judiciary
 - SB 729 Modifies provisions relating to county purchases
 - SB 755 Enacts the House of Worship Protection Act
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COURTS, CONT'D.

- SB 789 Modifies provisions relating to DNA profiling by the Missouri State Highway Patrol crime lab and the DNA Profiling Analysis Fund
- SB 837 Modifies what is considered to be a franchise between alcohol wholesalers and suppliers (VETOED)
- HB 1460 Extends the sunset of a court fee for court automation and the time for use of such moneys
- HB 1525 Modifies laws relating to criminal offenders under the supervision of the Department of Corrections
- HB 1527 Modifies the laws relating to property exempt from execution or attachment
- HB 1758 Modifies provisions relating to custody/visitation rights for those with a parent/child relationship, military parents and race consideration in adoption proceedings (VETOED)

COURTS, JUVENILE

- HB 1171 Modifies provisions relating to courts, including juvenile court jurisdiction and how Franklin County prosecutes county orders

CRIMES AND PUNISHMENT

- SB 489 Modifies provisions relating to weapons
- SB 568 Modifies various provisions relating to transportation
- SB 628 Modifies provisions relating to the judiciary
- SB 631 Modifies provisions relating to animals and agriculture
- SB 689 Modifies provisions relating to crimes committed against the elderly and disabled
- SB 755 Enacts the House of Worship Protection Act
- SB 769 Modifies and creates provisions relating to state and local standards
- SB 789 Modifies provisions relating to DNA profiling by the Missouri State Highway Patrol crime lab and the DNA Profiling Analysis Fund
- HB 1525 Modifies laws relating to criminal offenders under the supervision of the Department of Corrections

CRIMINAL PROCEDURE

- HB 1525 Modifies laws relating to criminal offenders under the supervision of the Department of Corrections
- HB 1647 Modifies provisions relating to public safety

DISABILITIES

- SB 689 Modifies provisions relating to crimes committed against the elderly and disabled
- HB 1172 Creates a tax credit for contributions to developmental disability care providers and modifies provisions of the residential treatment agency tax credit program

DOMESTIC RELATIONS

- HB 1758 Modifies provisions relating to custody/visitation rights for those with a parent/child relationship, military parents and race consideration in adoption proceedings (VETOED)

DRUGS AND CONTROLLED SUBSTANCES

- SB 628 Modifies provisions relating to the judiciary
HB 1563 Modifies provisions relating to school social workers, prescription drugs, collaborative practice arrangements, behavior analysts, and an employee disqualification list

EASEMENTS AND CONVEYANCES

- SB 562 Modifies provisions relating to the transfer of property by certain state universities

ECONOMIC DEVELOPMENT

- HB 1661 Expands eligibility for the small business income tax deduction for new job creation
HB 1680 Renames the Heroes at Homes program the Show-Me Heroes program and modifies the provisions relating to it

ECONOMIC DEVELOPMENT DEPARTMENT

- SB 631 Modifies provisions relating to animals and agriculture
HB 1680 Renames the Heroes at Homes program the Show-Me Heroes program and modifies the provisions relating to it
HB 1900 Modifies numerous statutes to reflect executive agency reorganization as well as provisions regarding investments in Iran's energy sector, voluntary annexation, persons with disabilities and tax increment financing (VETOED)

EDUCATION, ELEMENTARY AND SECONDARY

- SB 450 Modifies the length of school board terms for certain school districts that became urban districts because of the 2010 census
SB 576 Modifies provisions relating to charter schools
SB 595 Transfers the administration of special education due process hearings from the State Board of Education to the Administrative Hearing Commission
SB 599 Modifies provisions relating to education
SB 635 Modifies the law relating to financial institutions, school funds, private roads, real estate appraisal, agricultural education programs, liens, and state purchasing preferences (VETOED)
HB 1563 Modifies provisions relating to school social workers, prescription drugs, collaborative practice arrangements, behavior analysts, and an employee disqualification list
HB 1577 Requires school districts to implement criteria for the enrollment and educational success of foster care children
HB 1731 Modifies how gaming funds are used
HB 1789 Modifies provisions relating to travel hardships for public school students (VETOED)

EDUCATION, HIGHER

- SB 562 Modifies provisions relating to the transfer of property by certain state universities
SB 563 Modifies provisions relating to higher education
SB 576 Modifies provisions relating to charter schools
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EDUCATION, HIGHER, CONT'D.

- SB 631 Modifies provisions relating to animals and agriculture
HB 1042 Modifies provisions relating to higher education
HB 1731 Modifies how gaming funds are used

ELDERLY

- SB 689 Modifies provisions relating to crimes committed against the elderly and disabled

ELECTIONS

- SB 569 Modifies the law relating to elections, law enforcement districts, and transit authority taxes (VETOED)
HB 1036 Repeals a provision requiring party emblems to be printed on ballots above party captions and modifies election dates
HB 1106 Modifies provisions relating to county officers
HB 1236 Modifies the paperwork requirements for the formation of a new political party and the nomination of independent candidates
HB 1250 Modifies provisions relating to elections (VETOED)

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

- SB 576 Modifies provisions relating to charter schools
SB 595 Transfers the administration of special education due process hearings from the State Board of Education to the Administrative Hearing Commission
SB 599 Modifies provisions relating to education
SB 769 Modifies and creates provisions relating to state and local standards
HB 1042 Modifies provisions relating to higher education
HB 1188 Allows school boards to authorize a school nurse to maintain a supply of asthma related rescue medications at the school
HB 1577 Requires school districts to implement criteria for the enrollment and educational success of foster care children
HB 1789 Modifies provisions relating to travel hardships for public school students (VETOED)
HB 1900 Modifies numerous statutes to reflect executive agency reorganization as well as provisions regarding investments in Iran's energy sector, voluntary annexation, persons with disabilities and tax increment financing (VETOED)

EMERGENCIES

- HB 1251 Modifies provisions relating to natural resources
HB 1318 Modifies provisions relating to children's services and establishes Sam Pratt's Law
HB 1563 Modifies provisions relating to school social workers, prescription drugs, collaborative practice arrangements, behavior analysts, and an employee disqualification list
HB 1647 Modifies provisions relating to public safety

EMPLOYEES—EMPLOYERS

- SB 572 Modifies the law relating to workers' compensation (VETOED)

EMPLOYEES—EMPLOYERS, CONT'D.

- HB 1219 Modifies the law relating to the Missouri Human Rights Act and employment discrimination (VETOED)
- HB 1315 Requires employers to grant a leave of absence to members of the United States Coast Guard Auxiliary when performing authorized duties
- HB 1318 Modifies provisions relating to children's services and establishes Sam Pratt's Law
- HB 1540 Modifies the law relating to co-employee liability in workers' compensation

ENERGY

- SB 769 Modifies and creates provisions relating to state and local standards
- HB 1462 Extends the eligibility timeframe to receive payments from the Missouri Qualified Biodiesel Producer Incentive Fund for lack of appropriations

ENGINEERS

- HB 1280 Creates a peer review process for architects, landscape architects, land surveyors, and engineers

ENVIRONMENTAL PROTECTION

- HB 1251 Modifies provisions relating to natural resources

ESTATES, WILLS AND TRUSTS

- SB 628 Modifies provisions relating to the judiciary
- SB 636 Modifies provisions relating to the judiciary

FAIRS

- SB 631 Modifies provisions relating to animals and agriculture

FAMILY LAW

- HB 1171 Modifies provisions relating to courts, including juvenile court jurisdiction and how Franklin County prosecutes county orders
- HB 1323 Modifies provisions relating to child care services and child abuse and neglect investigations
- HB 1758 Modifies provisions relating to custody/visitation rights for those with a parent/child relationship, military parents and race consideration in adoption proceedings (VETOED)

FEDERAL—STATE RELATIONS

- SB 749 Provides protection for the religious beliefs as to the imposition of certain health care services such as abortion, contraception, or sterilization
- HB 1131 Requires the withholding form that is equivalent to the federal W-4 form to include the date services for remuneration were first performed by the employee

FEES

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- SB 628 Modifies provisions relating to the judiciary
 - SB 789 Modifies provisions relating to DNA profiling by the Missouri State Highway Patrol crime lab and the DNA Profiling Analysis Fund
 - HB 1251 Modifies provisions relating to natural resources
 - HB 1460 Extends the sunset of a court fee for court automation and the time for use of such moneys
 - HB 1647 Modifies provisions relating to public safety

FIRE PROTECTION

- SB 729 Modifies provisions relating to county purchases
- SB 769 Modifies and creates provisions relating to state and local standards
- HB 1647 Modifies provisions relating to public safety

FIREARMS AND FIREWORKS

- SB 489 Modifies provisions relating to weapons
- SB 835 Modifies references to fireworks classifications

GAMBLING

- HB 1644 Modifies licensing period for some licenses issued by MO Gaming Commission
- HB 1731 Modifies how gaming funds are used

GENERAL ASSEMBLY

- SB 464 Prohibits the establishment and operation of health insurance exchanges in Missouri unless certain criteria are met
- SB 562 Modifies provisions relating to the transfer of property by certain state universities
- SB 576 Modifies provisions relating to charter schools
- HB 1029 Modifies duties of the Oversight Division of the Committee on Legislative Research
- HB 1042 Modifies provisions relating to higher education

GOVERNOR & LT. GOVERNOR

- SJR 51 Modifies the composition of Appellate Judicial Commission and number of nominees for vacancies
 - SB 464 Prohibits the establishment and operation of health insurance exchanges in Missouri unless certain criteria are met
 - SB 562 Modifies provisions relating to the transfer of property by certain state universities
 - SB 563 Modifies provisions relating to higher education
 - SB 576 Modifies provisions relating to charter schools
 - SB 665 Authorizes the Governor to transfer certain pieces of real estate located throughout the state of Missouri to the State Highways and Transportation Commission
 - HB 1042 Modifies provisions relating to higher education
 - HB 1128 Authorizes certain military honors and days of observance
 - HB 1340 Allows a county commission to appoint an interim county clerk, auditor, or assessor in the event of a vacancy who shall serve until the Governor appoints a replacement
 - HB 1820 Authorizes the Governor to convey several pieces of state property
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HEALTH CARE

- SB 682 Requires that certain pain management techniques be performed by licensed physicians
- SB 749 Provides protection for the religious beliefs as to the imposition of certain health care services such as abortion, contraception, or sterilization
- HB 1188 Allows school boards to authorize a school nurse to maintain a supply of asthma related rescue medications at the school
- HB 1608 Repeals unfunded and obsolete state programs and establishes expiration dates for specified provisions

HEALTH CARE PROFESSIONALS

- SB 682 Requires that certain pain management techniques be performed by licensed physicians

HEALTH DEPARTMENT

- HB 1608 Repeals unfunded and obsolete state programs and establishes expiration dates for specified provisions

HEALTH, PUBLIC

- SB 566 Requires owners of dogs and cats under suspicion of carrying rabies to provide documentation of vaccination or else surrender the animal (VETOED)
- SB 749 Provides protection for the religious beliefs as to the imposition of certain health care services such as abortion, contraception, or sterilization

HIGHER EDUCATION DEPARTMENT

- SB 576 Modifies provisions relating to charter schools

HIGHWAY PATROL

- SB 625 Modifies fund transfers between retirement systems, modifies retirement for certain public officials, and sets interest paid on member contributions at T-Bill rate
- SB 631 Modifies provisions relating to animals and agriculture
- SB 719 Modifies various provisions relating to the regulation of transportation
- SB 789 Modifies provisions relating to DNA profiling by the Missouri State Highway Patrol crime lab and the DNA Profiling Analysis Fund
- HB 1424 Allows the Missouri State Highway Patrol to sell surplus watercraft and watercraft motors and trailers

HOUSING

- HB 1219 Modifies the law relating to the Missouri Human Rights Act and employment discrimination (VETOED)

INSURANCE—GENERAL

- HB 1112 Modifies various provisions related to health and life insurance
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INSURANCE—GENERAL, CONT'D.

- HB 1495 Expands the civil immunity provided to insurers for furnishing information related to insurance fraud investigations

INSURANCE—LIFE

- HB 1112 Modifies various provisions related to health and life insurance

INSURANCE—MEDICAL

- SB 464 Prohibits the establishment and operation of health insurance exchanges in Missouri unless certain criteria are met
- SB 749 Provides protection for the religious beliefs as to the imposition of certain health care services such as abortion, contraception, or sterilization
- HB 1039 Allows LAGERS retirees to deduct premiums for health insurance or long-term care from their retirement allowance
- HB 1576 Allows certain foster parents to purchase health insurance through the Missouri Consolidated Health Care Plan

INSURANCE DEPARTMENT

- HB 1112 Modifies various provisions related to health and life insurance
- HB 1495 Expands the civil immunity provided to insurers for furnishing information related to insurance fraud investigations
- HB 1827 Establishes the Missouri Electronic Prior Authorization Committee and pilot program

JUDGES

- SJR 51 Modifies the composition of Appellate Judicial Commission and number of nominees for vacancies

KANSAS CITY

- SB 576 Modifies provisions relating to charter schools
- SB 729 Modifies provisions relating to county purchases
- HB 1504 Modifies provisions of law regarding sales taxes
- HB 1659 Authorizes the establishment of a land bank agency in Kansas City

LABOR AND INDUSTRIAL RELATIONS DEPARTMENT

- SB 572 Modifies the law relating to workers' compensation (VETOED)
- HB 1540 Modifies the law relating to co-employee liability in workers' compensation

LAKES, RIVERS AND WATERWAYS

- SB 729 Modifies provisions relating to county purchases

LAW ENFORCEMENT OFFICERS AND AGENCIES

- SB 489 Modifies provisions relating to weapons
SB 569 Modifies the law relating to elections, law enforcement districts, and transit authority taxes (VETOED)
SB 631 Modifies provisions relating to animals and agriculture
SB 789 Modifies provisions relating to DNA profiling by the Missouri State Highway Patrol crime lab and the DNA Profiling Analysis Fund
HB 1108 Requires telecommunications and cell phone providers to provide call location information to law enforcement in emergency situations

LIABILITY

- SB 628 Modifies provisions relating to the judiciary
SB 636 Modifies provisions relating to the judiciary
SB 755 Enacts the House of Worship Protection Act
HB 1280 Creates a peer review process for architects, landscape architects, land surveyors, and engineers
HB 1540 Modifies the law relating to co-employee liability in workers' compensation

LIBRARIES AND ARCHIVES

- HB 1504 Modifies provisions of law regarding sales taxes

LICENSES—DRIVER'S

- SB 470 Modifies various provisions relating to transportation

LICENSES—MISC

- HB 1498 Modifies provisions relating to intoxicating beverages
HB 1644 Modifies the licensing period for certain licenses issued by the Missouri Gaming Commission

LICENSES—MOTOR VEHICLE

- SB 470 Modifies various provisions relating to transportation
SB 636 Modifies provisions relating to the judiciary
SB 719 Modifies various provisions relating to the regulation of transportation
HB 1141 Changes the laws regarding the "Don't Tread on Me" special license plate
HB 1329 Modifies the law regarding the issuance of temporary permit tags and the collection of sales taxes on motor vehicles, trailers, boats, and outboard motors (VETOED)
HB 1402 Modifies various provisions relating to transportation
HB 1807 Designates several highways in the state of Missouri and creates several special license plates
HB 1900 Modifies numerous statutes to reflect executive agency reorganization as well as provisions regarding investments in Iran's energy sector, voluntary annexation, persons with disabilities and tax increment financing (VETOED)
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LICENSES—PROFESSIONAL

- SB 631 Modifies provisions relating to animals and agriculture
SB 682 Requires that certain pain management techniques be performed by licensed physicians
SB 729 Modifies provisions relating to county purchases

LIENS

- SB 485 Modifies the law governing liens
HB 1400 Modifies provisions relating to security interests and financial transactions of political subdivisions and residential mortgage loan brokers
HB 1527 Modifies the laws relating to property exempt from execution or attachment

MANUFACTURED HOUSING

- HB 1400 Modifies provisions relating to security interests and financial transactions of political subdivisions and residential mortgage loan brokers

MARRIAGE AND DIVORCE

- SB 636 Modifies provisions relating to the judiciary

MEDICAL PROCEDURES AND PERSONNEL

- SB 682 Requires that certain pain management techniques be performed by licensed physicians
HB 1188 Allows school boards to authorize a school nurse to maintain a supply of asthma related rescue medications at the school

MENTAL HEALTH DEPARTMENT

- HB 1318 Modifies provisions relating to children's services and establishes "Sam Pratt's Law"

MERCHANDISING PRACTICES

- SB 498 Prohibits cities from restricting veterans organizations from operating resale shops in certain areas
SB 837 Modifies what is considered to be a franchise between alcohol wholesalers and suppliers (VETOED)

MILITARY AFFAIRS

- SB 715 Allows the Adjutant General to waive the age limit for service in the state militia and repeals a complaint procedure for the state militia (VETOED)
HB 1105 Allows the Adjutant General to waive the age limit for service in the state militia
HB 1128 Authorizes certain military honors and days of observance
HB 1315 Requires employers to grant a leave of absence to members of the United States Coast Guard Auxiliary when performing authorized duties
HB 1680 Renames the Heroes at Homes program the Show-Me Heroes program and modifies the provisions relating to it
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MINING AND OIL AND GAS PRODUCTION

HB 1251 Modifies provisions relating to natural resources

MORTGAGES AND DEEDS

HB 1400 Modifies provisions relating to security interests and financial transactions of political subdivisions and residential mortgage loan brokers

MOTOR CARRIERS

SB 470 Modifies various provisions relating to transportation
SB 480 Modifies law with respect to motor vehicles and outboard motor titles
HB 1402 Modifies various provisions relating to transportation

MOTOR FUEL

SB 611 Modifies various provisions relating to the regulation of transportation
SB 631 Modifies provisions relating to animals and agriculture

MOTOR VEHICLES

SB 480 Modifies law with respect to motor vehicles and outboard motor titles
SB 568 Modifies various provisions relating to transportation
SB 631 Modifies provisions relating to animals and agriculture
HB 1150 Modifies the law with respect to the issuance of certificates of titles
HB 1329 Modifies the law regarding the issuance of temporary permit tags and the collection of sales taxes on motor vehicles, trailers, boats, and outboard motors (VETOED)
HB 1402 Modifies various provisions relating to transportation
HB 1424 Allows the Missouri State Highway Patrol to sell surplus watercraft and watercraft motors and trailers
HB 1647 Modifies provisions relating to public safety

NATIONAL GUARD

SB 715 Allows the Adjutant General to waive the age limit for service in the state militia and repeals a complaint procedure for the state militia (VETOED)
HB 1105 Allows the Adjutant General to waive the age limit for service in the state militia
HB 1128 Authorizes certain military honors and days of observance

NATURAL RESOURCES DEPARTMENT

SB 769 Modifies and creates provisions relating to state and local standards
HB 1179 Prohibits large water consumers from taking water outside of the Southeast Missouri Regional Water District if such activity interferes with certain others' use of the water
HB 1251 Modifies provisions relating to natural resources

NEWSPAPERS AND PUBLICATIONS

HB 1251 Modifies provisions relating to natural resources

NURSES

- SB 682 Requires that certain pain management techniques be performed by licensed physicians
- HB 1188 Allows school boards to authorize a school nurse to maintain a supply of asthma related rescue medications at the school
- HB 1563 Modifies provisions relating to school social workers, prescription drugs, collaborative practice arrangements, behavior analysts, and an employee disqualification list

PARKS AND RECREATION

- HB 1251 Modifies provisions relating to natural resources
- HB 1504 Modifies provisions of law regarding sales taxes

PHARMACY

- SB 749 Provides protection for the religious beliefs as to the imposition of certain health care services such as abortion, contraception, or sterilization
- HB 1563 Modifies provisions relating to school social workers, prescription drugs, collaborative practice arrangements, behavior analysts, and an employee disqualification list
- HB 1827 Establishes the Missouri Electronic Prior Authorization Committee and pilot program

PHYSICIANS

- SB 682 Requires that certain pain management techniques be performed by licensed physicians
- HB 1563 Modifies provisions relating to school social workers, prescription drugs, collaborative practice arrangements, behavior analysts, and an employee disqualification list

POLITICAL PARTIES

- HB 1236 Modifies the paperwork requirements for the formation of a new political party and the nomination of independent candidates

POLITICAL SUBDIVISIONS

- SB 450 Modifies the length of school board terms for certain school districts that became urban districts because of the 2010 census
- SB 628 Modifies provisions relating to the judiciary
- SB 729 Modifies provisions relating to county purchases
- HB 1037 Allows road district commissioners to receive compensation for their services of up to \$100 per month
- HB 1400 Modifies provisions relating to security interests and financial transactions of political subdivisions and residential mortgage loan brokers
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PRISONS AND JAILS

- SB 628 Modifies provisions relating to the judiciary
SB 729 Modifies provisions relating to county purchases
HB 1525 Modifies laws relating to criminal offenders under the supervision of the Department of Corrections

PROBATION AND PAROLE

- HB 1525 Modifies laws relating to criminal offenders under the supervision of the Department of Corrections

PROPERTY, REAL AND PERSONAL

- SB 563 Modifies provisions relating to higher education
SB 631 Modifies provisions relating to animals and agriculture
SB 635 Modifies the law relating to financial institutions, school funds, private roads, real estate appraisal, agricultural education programs, liens, and state purchasing preferences (VETOED)
SB 665 Authorizes the Governor to transfer certain pieces of real estate located throughout the state of Missouri to the State Highways and Transportation Commission
SB 729 Modifies provisions relating to county purchases
SB 755 Enacts the House of Worship Protection Act
HCR 8 Disapproves the new values for agricultural and horticultural property filed by the State Tax Commission
HB 1103 Eliminates a requirement that banks, savings institutions, and credit unions file a certain notice with the Missouri Real Estate Appraisers Commission
HB 1527 Modifies the laws relating to property exempt from execution or attachment
HB 1659 Authorizes the establishment of a land bank agency in Kansas City
HB 1818 Classifies time share units as residential property for property tax purposes when the units are not rented and requires county assessors to consider certain factors when assessing real estate
HB 1820 Authorizes the Governor to convey several pieces of state property

PUBLIC BUILDINGS

- SB 755 Enacts the House of Worship Protection Act
HB 1219 Modifies the law relating to the Missouri Human Rights Act and employment discrimination (VETOED)

PUBLIC RECORDS, PUBLIC MEETINGS

- SB 729 Modifies provisions relating to county purchases

PUBLIC SAFETY DEPARTMENT

- SB 769 Modifies and creates provisions relating to state and local standards
SB 789 Modifies provisions relating to DNA profiling by the Missouri State Highway Patrol crime lab and the DNA Profiling Analysis Fund
HB 1251 Modifies provisions relating to natural resources
HB 1647 Modifies provisions relating to public safety
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PUBLIC SAFETY DEPARTMENT, CONT'D.

- HB 1900 Modifies numerous statutes to reflect executive agency reorganization as well as provisions regarding investments in Iran's energy sector, voluntary annexation, persons with disabilities and tax increment financing (VETOED)

PUBLIC SERVICE COMMISSION

- SB 769 Modifies and creates provisions relating to state and local standards
HB 1108 Requires telecommunications and cell phone providers to provide call location information to law enforcement in emergency situations
HB 1647 Modifies provisions relating to public safety

RELIGION

- SB 749 Provides protection for the religious beliefs as to the imposition of certain health care services such as abortion, contraception, or sterilization

RETIREMENT—LOCAL GOVERNMENT

- HB 1039 Allows LAGERS retirees to deduct premiums for health insurance or long-term care from their retirement allowance

RETIREMENT—STATE

- SB 625 Modifies fund transfers between retirement systems, modifies retirement for certain public officials, and sets interest paid on member contributions at T-Bill rate

RETIREMENT SYSTEMS AND BENEFITS—GENERAL

- SB 625 Modifies fund transfers between retirement systems, modifies retirement for certain public officials, and sets interest paid on member contributions at T-Bill rate

REVENUE DEPARTMENT

- SB 470 Modifies various provisions relating to transportation
SB 611 Modifies various provisions relating to the regulation of transportation
SB 628 Modifies provisions relating to the judiciary
SB 719 Modifies various provisions relating to the regulation of transportation
HB 1131 Requires the withholding form that is equivalent to the federal W-4 form to include the date services for remuneration were first performed by the employee
HB 1141 Changes the laws regarding the "Don't Tread on Me" special license plate
HB 1150 Modifies the law with respect to the issuance of certificates of titles
HB 1329 Modifies the law regarding the issuance of temporary permit tags and the collection of sales taxes on motor vehicles, trailers, boats, and outboard motors (VETOED)
HB 1402 Modifies various provisions relating to transportation
HB 1661 Expands eligibility for the small business income tax deduction for new job creation
HB 1909 Modifies provisions of law regarding aviation

ROADS AND HIGHWAYS

- SB 470 Modifies various provisions relating to transportation
SB 568 Modifies various provisions relating to transportation
SB 607 Establishes procedure for resetting billboards during periods of highway construction (VETOED)
SB 611 Modifies various provisions relating to the regulation of transportation
SB 635 Modifies the law relating to financial institutions, school funds, private roads, real estate appraisal, agricultural education programs, liens, and state purchasing preferences (VETOED)
SB 736 Exempts St. Francois County from a requirement that certain amounts of money from the county's special road and bridge tax be spent in certain areas
HB 1037 Allows road district commissioners to receive compensation for their services of up to \$100 per month
HB 1251 Modifies provisions relating to natural resources
HB 1402 Modifies various provisions relating to transportation
HB 1807 Designates several highways in the state of Missouri and creates several special license plates

SAINT LOUIS

- SB 576 Modifies provisions relating to charter schools
HB 1504 Modifies provisions of law regarding sales taxes

SAINT LOUIS COUNTY

- HB 1504 Modifies provisions of law regarding sales taxes

SALARIES

- HB 1037 Allows road district commissioners to receive compensation for their services of up to \$100 per month

SEARCH AND SEIZURE

- SB 631 Modifies provisions relating to animals and agriculture

SECRETARY OF STATE

- SB 569 Modifies the law relating to elections, law enforcement districts, and transit authority taxes (VETOED)
SB 631 Modifies provisions relating to animals and agriculture
HB 1036 Repeals a provision requiring party emblems to be printed on ballots above party captions and modifies election dates
HB 1236 Modifies the paperwork requirements for the formation of a new political party and the nomination of independent candidates
HB 1250 Modifies provisions relating to elections (VETOED)

SECURITIES

- SB 635 Modifies the law relating to financial institutions, school funds, private roads, real estate appraisal, agricultural education programs, liens, and state purchasing preferences (VETOED)
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SECURITIES, CONT'D.

- HB 1308 Repeals a provision that allows certain securities to be acceptable collateral for public deposits depending on credit rating

SEXUAL OFFENSES

- SB 628 Modifies provisions relating to the judiciary
SB 636 Modifies provisions relating to the judiciary

SOCIAL SERVICES DEPARTMENT

- HB 1131 Requires the withholding form that is equivalent to the federal W-4 form to include the date services for remuneration were first performed by the employee
HB 1172 Creates a tax credit for contributions to developmental disability care providers and modifies provisions of the residential treatment agency tax credit program
HB 1563 Modifies provisions relating to school social workers, prescription drugs, collaborative practice arrangements, behavior analysts, and an employee disqualification list
HB 1577 Requires school districts to implement criteria for the enrollment and educational success of foster care children
HB 1608 Repeals unfunded and obsolete state programs and establishes expiration dates for specified provisions
HB 1900 Modifies numerous statutes to reflect executive agency reorganization as well as provisions regarding investments in Iran's energy sector, voluntary annexation, persons with disabilities and tax increment financing (VETOED)

STATE DEPARTMENTS

- SB 469 Modifies provisions regarding administrative rules
HB 1094 Requires the Commissioner of Administration to instruct all agencies to use certain payment systems, allows county health centers to use an electronic funds transfer system and creates the Missouri Revolving Information Trust Fund
HB 1135 Modifies provisions regarding administrative rules
HB 1400 Modifies provisions relating to security interests and financial transactions of political subdivisions and residential mortgage loan brokers
HB 1608 Repeals unfunded and obsolete state programs and establishes expiration dates for specified provisions
HB 1900 Modifies numerous statutes to reflect executive agency reorganization as well as provisions regarding investments in Iran's energy sector, voluntary annexation, persons with disabilities and tax increment financing (VETOED)

STATE EMPLOYEES

- SB 625 Modifies fund transfers between retirement systems, modifies retirement for certain public officials, and sets interest paid on member contributions at T-Bill rate
HB 1315 Requires employers to grant a leave of absence to members of the United States Coast Guard Auxiliary when performing authorized duties

SURVEYORS

- HB 1251 Modifies provisions relating to natural resources

SURVEYORS, CONT'D.

- HB 1280 Creates a peer review process for architects, landscape architects, land surveyors, and engineers

TAX CREDITS

- SB 631 Modifies provisions relating to animals and agriculture
HB 1172 Creates a tax credit for contributions to developmental disability care providers and modifies provisions of the residential treatment agency tax credit program
HB 1661 Expands eligibility for the small business income tax deduction for new job creation

TAXATION AND REVENUE—INCOME

- SB 611 Modifies various provisions relating to the regulation of transportation
HB 1172 Creates a tax credit for contributions to developmental disability care providers and modifies provisions of the residential treatment agency tax credit program
HB 1661 Expands eligibility for the small business income tax deduction for new job creation

TAXATION AND REVENUE—PROPERTY

- SB 736 Exempts St. Francois County from a requirement that certain amounts of money from the county's special road and bridge tax be spent in certain areas
HCR 8 Disapproves the new values for agricultural and horticultural property filed by the State Tax Commission
HB 1659 Authorizes the establishment of a land bank agency in Kansas City
HB 1818 Classifies time-share units as residential property for property tax purposes when the units are not rented and requires county assessors to consider certain factors when assessing real estate

TAXATION AND REVENUE—SALES AND USE

- SB 480 Modifies law with respect to motor vehicles and outboard motor titles
HB 1329 Modifies the law regarding the issuance of temporary permit tags and the collection of sales taxes on motor vehicles, trailers, boats, and outboard motors (VETOED)
HB 1504 Modifies provisions of law regarding sales taxes
HB 1909 Modifies provisions of law regarding aviation

TELECOMMUNICATIONS

- HB 1108 Requires telecommunications and cell phone providers to provide call location information to law enforcement in emergency situations
HB 1460 Extends the sunset of a court fee for court automation and the time for use of such moneys
HB 1549 Modifies the state do-not-call list by allowing cell phone numbers on the list

TOBACCO PRODUCTS

- HB 1731 Modifies how gaming funds are used
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TRANSPORTATION

- SB 470 Modifies various provisions relating to transportation
SB 568 Modifies various provisions relating to transportation
SB 607 Establishes procedure for resetting billboards during periods of highway construction (VETOED)
SB 611 Modifies various provisions relating to the regulation of transportation
HB 1037 Allows road district commissioners to receive compensation for their services of up to \$100 per month
HB 1150 Modifies the law with respect to the issuance of certificates of titles
HB 1402 Modifies various provisions relating to transportation
HB 1807 Designates several highways in the state of Missouri and creates several special license plates
HB 1820 Authorizes the Governor to convey several pieces of state property

TRANSPORTATION DEPARTMENT

- SB 470 Modifies various provisions relating to transportation
SB 568 Modifies various provisions relating to transportation
SB 607 Establishes procedure for resetting billboards during periods of highway construction (VETOED)
SB 611 Modifies various provisions relating to the regulation of transportation
SB 625 Modifies fund transfers between retirement systems, modifies retirement for certain public officials, and sets interest paid on member contributions at T-Bill rate
SB 665 Authorizes the Governor to transfer certain pieces of real estate located throughout the state of Missouri to the State Highways and Transportation Commission
SB 719 Modifies various provisions relating to the regulation of transportation
HB 1402 Modifies various provisions relating to transportation
HB 1807 Designates several highways in the state of Missouri and creates several special license plates
HB 1820 Authorizes the Governor to convey several pieces of state property

TREASURER, STATE

- SB 635 Modifies the law relating to financial institutions, school funds, private roads, real estate appraisal, agricultural education programs, liens, and state purchasing preferences (VETOED)
HB 1308 Repeals a provision that allows certain securities to be acceptable collateral for public deposits depending on credit rating
HB 1424 Allows the Missouri State Highway Patrol to sell surplus watercraft and watercraft motors and trailers

UNEMPLOYMENT COMPENSATION

- HB 1131 Requires the withholding form that is equivalent to the federal W-4 form to include the date services for remuneration were first performed by the employee

UTILITIES

- SB 769 Modifies and creates provisions relating to state and local standards
HB 1108 Requires telecommunications and cell phone providers to provide call location information to law enforcement in emergency situations

UTILITIES, CONT'D.

HB 1647 Modifies provisions relating to public safety

VETERANS

- SB 498 Prohibits cities from restricting veterans organizations from operating resale shops in certain areas
- HB 1680 Renames the Heroes at Homes program the Show-Me Heroes program and modifies the provisions relating to it
- HB 1731 Modifies how gaming funds are used

VETERINARIANS

SB 566 Requires owners of dogs and cats under suspicion of carrying rabies to provide documentation of vaccination or else surrender the animal (VETOED)

VICTIMS OF CRIME

SB 755 Enacts the "House of Worship Protection Act"

WASTE—HAZARDOUS

HB 1647 Modifies provisions relating to public safety

WASTE—SOLID

HB 1251 Modifies provisions relating to natural resources

WATER PATROL

- SB 719 Modifies various provisions relating to the regulation of transportation
- HB 1424 Allows the Missouri State Highway Patrol to sell surplus watercraft and watercraft motors and trailers

WATER RESOURCES AND WATER DISTRICTS

- HB 1179 Prohibits large water consumers from taking water outside of the Southeast Missouri Regional Water District if such activity interferes with certain others' use of the water
- HB 1251 Modifies provisions relating to natural resources

WEAPONS

- SB 489 Modifies provisions relating to weapons
- HB 1647 Modifies provisions relating to public safety

WORKERS COMPENSATION

- SB 572 Modifies the law relating to workers' compensation (VETOED)
- HB 1540 Modifies the law relating to co-employee liability in workers' compensation
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